

**SENATE JOURNAL**  
— 1991 —  
**VOLUME II**  
**REGULAR SESSION**  
**AND FIRST SPECIAL SESSION**  
**FIFTY-SECOND LEGISLATURE**  
**STATE OF WASHINGTON**  
**AT**  
**OLYMPIA, the State Capitol**

1991 Regular Session Convened January 14, 1991  
Adjourned Sine Die April 28, 1991

1991 First Special Session  
Convened June 10, 1991  
Adjourned Sine Die June 30, 1991

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## NINETY-SEVENTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Saturday, April 20, 1991

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 Conner, Craswell, McCaslin, Owen, Rasmussen, Sellar and Stratton. On motion of Senator Murray, Senators Conner, Owen, Rasmussen and Stratton were excused. On motion of Senator Anderson, Senators Craswell, McCaslin and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages John Schmeil and Jeremy Johnston, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5906 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

At 9:08 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:22 a.m. by President Pritchard.

## SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE BILL NO. 5906.

## INTRODUCTION AND FIRST READING

SB 5982 by Senators McDonald, Roach, Johnson, McCaslin, Gaspard, Rinehart, Murray, Hayner, Wojahn and Snyder (by request of Governor Gardner and Superintendent of Public Instruction)

AN ACT Relating to feeding school children during teachers' work stoppage; creating new sections; making an appropriation; and declaring an emergency.

## MOTION

On motion of Senator Newhouse, rules were suspended, Senate Bill No. 5982 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Newhouse, the following bills remaining on the Senate Calendar were referred to the Committee on Rules:

THIRD READING

SHB 1199	Local law/justice councils
HB 1520	Frances H. Morgan Center

SECOND READING

SHB 1003	Prescription drug informatn
HB 1038	Efficiency/accountbly comsn
HB 1084	Minors on licensed premises
SHB 1145	American Indian scholarship
SHB 1183	Negligent driving provisions
HB 1217	Voter registration
HB 1286	Collective bargaining
ESHB 1293	Local masters teacher progrm
ESHB 1296	Disabled access to higher ed
SHB 1324	Towing expenses owing
ESHB 1378	Superior court fees
ESHB 1390	Teen community mobilization
ESHB 1448	Union Bay wildlife habitat
ESHB 1459	Recyclable material markets
ESHB 1490	Flood control management
SHB 1491	Flood control study commiss
HB 1494	Emergency adjudications/UTC
SHB 1495	Land development regulations
SHB 1501	Voting by mail
ESHB 1535	Radon testing requirement
SHB 1598	Future teacher scholarship
ESHB 1609	Children's mental health ser

EHB 1674	Tuition/fees/Persian Glf vet
ESHB 1714	Timber areas/family support
SHB 1715	Nonpartisan sheriffs
HB 1732	Warrant servers
SHB 1762	High school stu/higher ed cr
HB 1889	Limited casualty program
SHB 1907	Local gov self-insurance
SHB 1909	Insurance company capital
ESHB 1932	School excess levy limits
HB 1985	Teacher educatn/child abuse
ESHB 2031	Low-level waste sites rates

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

### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 15.04 RCW to read as follows:

The history, economy, culture, and the future of Washington state to a large degree all involve agriculture, which is vital to the economic well-being of the state. The legislature finds that farmers and ranchers are responsible stewards of the land, but are increasingly subjected to complaints and unwarranted restrictions that encourage, and even force, the premature removal of lands from agricultural uses.

The legislature further finds that it is now in the overriding public interest that support for agriculture be clearly expressed and that adequate protection be given to agricultural lands, uses, activities, and operations.

The legislature further finds that the department of agriculture has a duty to promote and protect agriculture and its dependent rural community in Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 15.04 RCW to read as follows:

The department shall seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber. Additionally, the department shall seek to maintain the economic well-being of the agricultural industry and its dependent rural community in Washington state.

On page 1, line 2 of the title, after "agriculture;" strike the remainder of the title and insert "and adding new sections to chapter 15.04 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5096 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5188 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Upon abandonment of a mobile home by a tenant or eviction of a tenant from a mobile home park space where the mobile home occupying that space is not subject to RCW 59.20.074, the landlord may store the mobile home on the mobile home lot or in the mobile park until removal of the mobile home as provided by law. The landlord may charge rent and reasonable expenses in the amount set forth in the rental agreement for occupancy of the mobile home lot or any other area in the mobile home park by the mobile home. Any rent or other reasonable expenses owed to the landlord pursuant to this section shall be paid to the landlord prior to removal of the mobile home from the mobile home park.

(2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.

(3) For purposes of this section, "reasonable expenses" means any routine maintenance and utility charges for which the tenant is liable under the rental agreement.

NEW SECTION. Sec. 2. (1) Rules and regulations are enforceable against a tenant only if:

(a) Their purpose is to promote the convenience, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities made available for the tenants generally;

(b) They are reasonably related to the purpose for which they are adopted;

(c) They apply to all tenants in a fair manner;

(d) They are not for the purpose of evading an obligation of the landlord;

(e) They are not retaliatory or discriminatory in nature; and

(f) They are sufficiently explicit in prohibition, direction, or limitation of the tenants' conduct to fairly inform the tenants of what the tenants must do to comply.

(2) At least thirty days' written notice must be provided to all tenants in the mobile home park before any changes, additions, deletions, or amendments to the rules and regulations can become effective unless the tenants consent.

NEW SECTION. Sec. 3. If the tenant fails to comply with RCW 59.20.140, and the noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within fifteen days after the sending of written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the condition in noncompliance within that period the landlord may enter the mobile home lot and cause the work to be done in a skillful

manner, and submit an itemized bill of the actual and reasonable cost of repair. The bill may be made payable on the next date when periodic rent is due, or on terms that are mutually agreed to by the landlord and tenant, or immediately if the tenancy is terminated.

**NEW SECTION. Sec. 4.** A tenant may not sublet or assign his or her tenancy in the mobile home park without the express written consent of the landlord unless a greater right is conferred in the rental agreement. The landlord shall approve or disapprove of the subletting or the assignment on the same basis that the landlord approves or disapproves of any new tenant. Notice of approval or disapproval shall be given in writing within five working days of receiving a written request from the tenant. The landlord may not unreasonably withhold consent. Transfers of rental agreements when the tenant sells or transfers title of the mobile home are governed by RCW 59.20.073.

**NEW SECTION. Sec. 5.** (1) If a court finds as a matter of law that:

(a) A rental agreement, or any clause of it, was unconscionable at the time it was made, it may refuse to enforce the rental agreement or it may enforce the remainder of the rental agreement without the unconscionable clause. The court may also limit the application of the unconscionable clause to avoid any unconscionable result.

(b) A settlement in which a party waives or agrees to forego a claim or right under this chapter or under the rental agreement was unconscionable at the time it was made, the court may refuse to enforce the settlement, or it may enforce the remainder of the settlement without the unconscionable provision. The court may also limit the application of any unconscionable provision to avoid an unconscionable result.

(2) When it is claimed or appears to the court that the rental agreement or settlement, or any clause of it, may be unconscionable, the parties shall be afforded an opportunity to present evidence as to the setting, purpose, and effect to aid the court in making its determination.

**NEW SECTION. Sec. 6.** If a landlord intentionally causes the termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs, then the tenant may require the restoration of the utility services or terminate the rental agreement, and in either case maintain an action for damages. Damages shall be the actual damages sustained, and up to one hundred dollars for each day or part thereof the tenant is deprived of any utility service.

A landlord shall give the tenants at least twenty-four hours' notice in writing whenever possible when planned repairs of a utility service which the mobile home park provides will cause an interruption of the utility service.

It shall be unlawful for a tenant to intentionally cause the termination or interruption of utility services provided by the landlord, including water, heat, electricity, or gas, excepting as resulting from the normal occupancy of the premises. If a tenant intentionally causes the termination or interruption of utility services in violation of this section, the tenant shall be liable for any actual damages sustained, and up to one hundred dollars for each day or part thereof that the utility services are unavailable.

**NEW SECTION. Sec. 7.** (1) If a landlord uses a rental agreement containing provisions known by the landlord to be prohibited under RCW 59.20.060(2), then the tenant may recover actual damages sustained or one hundred dollars, whichever is greater.

(2) If a landlord violates the right of entry provided in RCW 59.20.130(7), after receiving notice from the tenant in writing of a violation of this right, then the tenant may recover actual damages or one hundred dollars, whichever is greater, for each violation.



(3) If a landlord retaliates against a tenant in violation of RCW 59.20.070(4), a court in its discretion may award an amount not to exceed five hundred dollars for each violation in addition to actual damages sustained.

(4) If a landlord violates other provisions of RCW 59.20.070, then the tenant may recover actual damages or one hundred dollars, whichever is greater, for each violation.

(5) A tenant may recover his or her actual damages when the landlord violates other provisions of this chapter.

**NEW SECTION. Sec. 8.** Any person who violates the terms of a restraining order or an injunction issued by a court to prevent violations of this chapter, or any of the terms of an assurance of voluntary compliance duly filed in court, shall pay to the court a civil penalty not to exceed one thousand dollars for each violation. For the purposes of this section, the court issuing the restraining order or injunction, or in which an assurance of voluntary compliance is filed, shall retain jurisdiction over the action.

**NEW SECTION. Sec. 9.** The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act prohibited or declared to be unlawful in this chapter. The prevailing party may, in the discretion of the court, recover the costs of the action including a reasonable attorney's fee.

**Sec. 10.** RCW 59.20.080 and 1989 c 201 s 12 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, the~~) A landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW. A park owner

seeking to evict a tenant pursuant to this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of drug activity pursuant to RCW 59.20.155 shall constitute sufficient grounds, but not the only grounds, for an eviction under this subsection. If drug-related activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action; or

(g) The tenant's application for tenancy contained a material misstatement which induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent.

~~(2) ((A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later. PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.~~

~~(3)) Within five days of a notice of eviction as required by subsection (1)(a) ((or (2))) of this section, the landlord and tenant shall submit any dispute((, including the decision to terminate the tenancy without cause,)) to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section((, or for a period of thirty days for an eviction under subsection (2) of this section)). It is a defense to an eviction under subsection (1)(a) ((or (2))) of this section that a landlord did not participate in the mediation process in good faith.~~

**Sec. 11.** RCW 59.20.090 and 1980 c 152 s 2 are each amended to read as follows:

(1) Unless otherwise agreed rental agreements shall be for a term of one year. Any rental agreement of whatever duration shall be automatically renewed for the term of the original rental agreement, unless((:

(a)) a different specified term is agreed upon((; or

~~(b) The landlord serves notice of termination without cause upon the tenant prior to the expiration of the rental agreement: PROVIDED, That under such circumstances, at the expiration of the prior rental agreement the tenant shall be considered a month-to-month tenant upon the same terms as in the prior rental agreement until the tenancy is terminated).~~

(2) A landlord seeking to increase the rent upon expiration of the term of a rental agreement of any duration shall notify the tenant in writing three months prior to the effective date of any increase in rent((: PROVIDED, That if a landlord serves a tenant with notice of a rental increase at the same time or subsequent to serving the tenant with notice of termination without cause, such rental increase shall not become effective until the date the tenant is required to vacate the leased premises pursuant to the notice of termination or three months from the date notice of rental increase is served, whichever is later)).

(3) A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(4)(a) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall

remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

(b) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

NEW SECTION. **Sec. 12.** A new section is added to chapter 48.18 RCW to read as follows:

Any application taken for property insurance covering a mobile home situated in a mobile home park shall include the name and address of the mobile home park owner. Contemporaneous with the payment of any claim for physical damage to the insured mobile home, the insurer shall notify the owner of the mobile home park, in writing, of such payment.

NEW SECTION. **Sec. 13.** Sections 1 through 9 of this act are each added to chapter 59.20 RCW.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "relations;" strike the remainder of the title and insert "amending RCW 59.20.080 and 59.20.090; adding a new section to chapter 48.18 RCW; adding new sections to chapter 59.20 RCW; and prescribing penalties.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5188 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 12, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5116 with the following amendments:

On page 3, after line 2, insert:

NEW SECTION. **Sec. 4.** By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses."

Reumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "creating" strike "a" and after "new" strike "section" and insert "sections"

On page 3, beginning on line 3 and continuing through line 6, strike all of Sec.

4  
On page 1, line 2 of the title, after "46.61 RCW;" insert "and" and after "section" strike "; and making an appropriation", and the same are here with transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bailey, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5116 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753 with the following amendments:

On page 4, line 13, strike "thirty days following the effective date of this act." and insert "July 1, 1991."

On page 5, after line 11, insert the following:

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July 1, 1991."

ReNUMBER sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, strike "and" and on line 3, after "sections" insert "; and adding an emergency clause"

On page 5, after line 11, insert:

NEW SECTION. Sec. 6. Unless both chapter ....., Laws of 1991 (SHB 1250) and chapter ....., Laws of 1991 (SHB 1850) are enacted before July 1, 1991, this act shall be null and void.

ReNUMBER sections consecutively and correct any internal references accordingly.

On page 5, after line 4, insert:

NEW SECTION. Sec. 4. The legislature intends the fees for western Washington upland game bird permits to be as specified in section 3 of this act, irrespective of the enactment of chapter ....., Laws of 1991 (SHB 1850)."

ReNUMBER sections consecutively and correct any internal references accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments on page 4, line 13, page 5, lines 4 and 11, (This Act is Necessary) to Engrossed Second Substitute Senate Bill No. 5753.

## POINT OF ORDER

Senator Metcalf: "Mr. President, I rise to a point of order. The second amendment on page 5, after line 11, is beyond the scope and object of the bill. What this amendment does is to tie the passage of this bill to the passage of two other bills. This says the bill is null and void unless two other bills before this Legislature are passed. Not only is that outside the scope and object of the bill, but it is certainly bad practice to try to tie

passage of bills to passage of other bills with null and void clauses. It is bad practice, as well as completely outside the scope and object."

### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Engrossed Second Substitute Senate Bill No. 5753 is a measure which, among other things, directs the Department of Wildlife to prepare a report to the Legislature on upland birds and makes changes to upland game bird permits.

"The House amendment on page 5, after line 11 (null and void clause), would render the bill null and void unless certain other bills pass the Legislature.

"The President, therefore, finds that any amendment which purports to make another bill null and void unless certain other non-appropriation bills pass the Legislature, expands the scope and object of the original bill and the point is well taken."

The House amendment on page 5, after line 11 (null and void clause), to Engrossed Second Substitute Senate Bill 5753 was ruled out of order.

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments on page 4, line 13, and page 5, lines 4 and 11 (This Act is Necessary), and refuses to concur in the House amendment on page 5, after line 11 (null and void clause) to Engrossed Second Substitute Senate Bill No. 5753.

### PARLIAMENTARY INQUIRY

Senator Talmadge: "A parliamentary inquiry, Mr. President. In light of your ruling with respect to the scope and object of an amendment that ties the passage of a bill to the passage of other bills, is the President, then, ruling with respect to an appropriations bill null and void clauses--that such an effort that would tie the passage of a substantive piece of legislation, a change in substantive law, necessarily to an appropriations bill? Is that also outside the scope and object if the substantive law provisions has nothing to do with the fiscal needs of an omnibus appropriations bill?"

### REPLY BY THE PRESIDENT

President Pritchard: "In this ruling here, I say, 'Unless certain other non-appropriation bills pass the Legislature.'"

Senator Talmadge: "Mr. President, I will renew the point of order if the time comes up, but it occurs to me, in light of the President's ruling, what you are saying is that you can't tie the passage of one bill to the passage of others. I can understand the necessity of tying the passage of a bill to the passage of funding for it, but if the passage of the budget bill has nothing to do with the

substantive change in law that is in a bill, I would submit that under your ruling that null and void clause would be invalid."

President Pritchard: "We'll take that up at the appropriate time, Senator. I appreciate your raising the point."

### MESSAGE FROM THE HOUSE

April 9, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5318 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A joint select committee on money laundering shall study criminal money laundering activity and report its findings, and any recommended legislation, to the legislature on or before December 31, 1991. The joint select committee on money laundering shall consist of eight members, four senators, two from each of the major caucuses, who are appointed by the president of the senate, and four representatives, two from each of the major caucuses, who are appointed by the speaker of the house.

The study shall include input from interested parties, including the criminal defense bar, prosecutors, the attorney general's office, business and professional groups, and state and federal law enforcement agencies."

On page 1, line 1 of the title, after "laundering;" strike the remainder of the title and insert "and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator von Reichbauer moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5318 and asks the House to recede therefrom.

### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 5318 was deferred.

### PARLIAMENTARY INQUIRY

Senator Bauer: "Mr. President, for clarification, so we don't get into this problem all through this next week, when Senator Nelson and I and Senator Oke--we go over the ones that our caucuses have gone over and agreed that they are not going to concur or concur and this is the second one today already that has come up that's different from what Senator Nelson and I talked about, so it just makes it very confusing. When we run into one that is being proposed here that we haven't talked about, we are going to have to ask that it be held down."

## REPLY BY THE PRESIDENT

President Pritchard: "I would urge the leaders to work these things out. We are working off of public lists and I assumed that it had been worked out."

## MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5477 with the following amendments:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 41.04.005 and 1984 c 36 s 1 are each amended to read as follows:

As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he or she seeks the benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, 41.20.050, 41.40.170, 73.04.110, or 73.08.080 has received an honorable discharge or received a discharge for physical reasons with an honorable record and (~~(1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or (2) has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil~~) who meets at least one of the following two criteria:

(1) The person has served between World War I and World War II or during any period of war as either (a) a member in any branch of the armed forces of the United States, (b) a member of the women's air forces service pilots, or (c) a merchant seaman or crew member employed during the period of armed conflict, December 7, 1941, to August 15, 1945, by the war shipping administration, the office of defense transportation, the United States army transport service, or the naval transportation service; or

(2) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service (a) in any branch of the armed forces of the United States; or (b) as a member of the women's air forces service pilots.

A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975.

**Sec. 2.** RCW 72.36.035 and 1977 ex.s. c 186 s 11 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise, "actual bona fide residents of this state" shall mean persons who have a domicile in the state of Washington immediately prior to application for membership in the soldiers' home or colony or veterans' home. The term "domicile" shall mean a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere. "Veteran" has the same meaning established in RCW 41.04.005.

Sec. 3. RCW 73.04.090 and 1974 ex.s. c 171 s 45 are each amended to read as follows:

All benefits, advantages or emoluments, not available upon equal terms to all citizens, including but not being limited to preferred rights to public employment, civil service preference, exemption from license fees or other impositions, preference in purchasing state property and special pension or retirement rights, which by any law of this state have been made specially available to war veterans or to persons who have served in the armed forces or defense forces of the United States, shall be available only to persons who have been subject to full and continuous military control and discipline as actual members of the federal armed forces. Service with such forces in a civilian capacity, or in any capacity wherein a person retained the right to terminate his or her service or to refuse full obedience to military superiors, shall not be the basis for eligibility for such benefits. Service in any of the following shall not for purposes of this section be considered as military service: The office of emergency services or any component thereof; the American Red Cross; the United States Coast Guard Auxiliary; United States Coast Guard Reserve Temporary; United States Coast and Geodetic Survey; American Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other similar organization. Other similar organizations do not include any groups defined as "veterans" in RCW 41.04.005.

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "and amending RCW 41.04.005, 72.36.035, and 73.04.090.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Roach moved that the Senate do not concur in the House amendments to Senate Bill No. 5477 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 5477 was deferred.

#### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5111 with the following amendment:

On page 2, on line 2 after "account" insert:

"for the payment of counseling needs for the immediate family members of a homicide victims in addition to such other benefits as are provided under the crime victims compensation account", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendment to Senate Bill No. 5111 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5147 with the following amendments:

On page 2, line 23, after NEW SECTION. Sec. 2. insert the following:

"Notwithstanding the provisions of section 1 of this act, when any party participates in mediation conducted by an agency under the provisions of a collective bargaining law or similar statute, the agency's rules govern questions of privilege and confidentiality.

NEW SECTION. Sec. 3.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after ";" adding" strike "a new section" and insert "new sections", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Nelson moved that the Senate do not concur in the House amendments to Senate Bill No. 5147 and asks the House to recede therefrom.

## POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, maybe you can give us a description of what agencies we are talking about here. I would presume the National Labor Relations Board, the PERC and some others may be affected by this amendment. It seems to me the amendment made some sense."

Senator Nelson: "That is exactly the problem that we do have--the National Relations Board and we do have the Public Employees Relations Commission who, in fact, had been the one originally to request the amendment in the House. It doesn't specify whether or not it is a state or federal agency that you would now direct the American Arbitration Association to apply the amendment."

## MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Senate Bill No. 5147.

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5147 was deferred.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5167 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A juvenile issues task force is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The task force is charged with issuing a report and making recommendations to the legislature by December 15, 1991.

The task force shall consist of the following members:

(1) Three co-chairs, one from the state senate appointed by the president of the senate; one from the state house of representatives appointed by the speaker of the house of representatives; and one appointed by the governor from among the members of the task force named in subsection (3) of this section.

(2) Eight legislators in addition to the two legislative cochairmen selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) The governor shall appoint the following members of the task force:

- (a) Three superior court judges;
- (b) Two prosecuting attorneys;
- (c) Two juvenile public defenders;
- (d) The secretary of social and health services or the secretary's designee;
- (e) Two juvenile court administrators;
- (f) One police chief or county sheriff;
- (g) One child psychologist;
- (h) One child psychiatrist;
- (i) Two directors of a youth organization;
- (j) One person from the Washington council on crime and delinquency;
- (k) One person from a parents' organization;
- (l) One person from a crisis residential center;
- (m) One juvenile court caseworker;
- (n) One representative of the executive branch;
- (o) One member of the mental health treatment community; and
- (p) One member from the substance abuse treatment community.

The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.

The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

NEW SECTION. **Sec. 2.** The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study

shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

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

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section 1 of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "creating new sections; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Nelson moved that the Senate do not concur in the House amendments to Second Substitute Senate Bill No. 5167 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do not concur in the House amendments to Second Substitute Senate Bill No. 5167 and asks the House to recede therefrom.

The motion by Senator Nelson carried and the Senate did not concur in the House amendments to Second Substitute Senate Bill No. 5167 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 11, 1991

#### MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5825 with the following amendments:

On page 15, after line 10, insert the following:

Sec. 3. RCW 9.41.070 and 1990 c 195 s 6 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the

application to issue a license. Such applicant's constitutional right to bear arms shall not be denied (~~(to him)~~), unless he or she:

- (a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or
- (b) Is under twenty-one years of age; or
- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or
- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his or her person; or
- (g) Is ineligible under federal law to possess a weapon.

The license shall be revoked by the issuing authority immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

(2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the ~~((license))~~ issuing authority shall:

- (a) On the first forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for one year;
- (b) On the second forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for two years;
- (c) On the third or subsequent forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period. The issuing authority shall notify, in writing, the department of licensing upon revocation of a license. The department of licensing shall record the revocation.

The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

**CAUTION:** Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, and if not a citizen whether the applicant has declared the intent to become a citizen and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor. A person who is not a citizen of the United States, or has not declared his or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(3) The fee for the original issuance of a four-year license shall be twenty-three dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(4) The fee for the renewal of such license shall be fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(5) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(6) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (4) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(7) Notwithstanding the requirements of subsections (1) through (6) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(8) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

On page 1, line 3 of the title, after "9.94A.120" insert "and 9.41.070", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## POINT OF ORDER

Senator Nelson: "A point of order, Mr. President. I would like the President to rule on the scope and object of the House amendments to Engrossed Substitute Senate Bill No. 5825."

## POINT OF ORDER

Senator Vognild: "Mr. President, a point of order. The amendment is not before the body, therefore, the point of order of scope and object is not properly before the body."

## REPLY BY THE PRESIDENT

President Pritchard: "Maybe you can explain your position, Senator."

Senator Vognild: "Well, Mr. President, there are procedures that should be used on this floor that are proper and make the flow of the floor work properly and I think we should start using them. You cannot, in my opinion at least, raise a scope and object on a question that is not before the body. The amendment has not been brought before the body. A simple, positive motion to concur would bring the measure before the body and at which time a scope and object is, in fact, proper.

"With the ruling of the Chair, either the amendment stays before the body, if your ruling is against the point, or the motion then properly is to not concur with it and, therefore, pull it back and accept the ruling of the Chair. What my concern is, is that if we are going to start raising points of order on subjects that are not before this floor, then we are going to have a field day out here and nobody is going to know what is going on."

President Pritchard: "Senator, when they read a Message from the House and they put it before the body, then the measure is before the body to be worked on."

Senator Vognild: "Mr. President, the measure was never put before the body. The message was read."

President Pritchard: "Well, I think when he makes the motion to take up the bill, I think that puts the measure before the body. I believe your point of order is not well taken."

Senator Vognild: "Mr. President, the simple motion to not concur could be made. In which case, there is no point of order. That is the problem I am trying to deal with--a motion to not concur and send it back. What we desire to do, and I concur with the desire, is to send the House a message that we will not accept this on a point of order that it is beyond the scope and object. I sincerely believe that in order to be able to do that, we have to put that amendment before this body in a positive sense. We are going to face this more as we get into multiple amendments which is why I raise it now."

President Pritchard: "I'm going to have the attorneys do a little talk here, Senator, if you don't mind--yours and ours."

## POINT OF ORDER

Senator Talmadge: "An additional point, if I could. We on the floor do not have in our possession the actual copies of the amendments. We don't have the bills before us nor the amendments, so if we are having a ruling on an amendment to a Senate Bill that none of us have in our possession, we are arguing that essentially the summary that is in the green sheet that is before us and if there is a point of order--a scope and object point of order--it would be real helpful for us to at least be able to see the wording of the bill and the wording of the amendment to be able to relate to. We can go up here and look, but it would be useful to have in our possession."

Further debate ensued.

## MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5825.

## POINT OF ORDER

Senator Nelson: "Now, the bill and the amendment are both before us, I would rise to a point of order. I would ask the President to rule on the scope and object of the House amendment to Engrossed Substitute Senate Bill No. 5825. The original content of Engrossed Substitute Senate Bill No. 5825, submitted as a request from the Department of Corrections, is to restrict offenders who are on community supervision from possessing fire arms of any kind. The House has added an amendment that is essentially a bill that was considered by this Legislature dealing with concealed weapons permits and subjecting the state of Washington to default to all federal statutes dealing with concealed weapons permits. It has nothing to do with the possession of fire arms by offenders on community supervision. It is a totally different statute and it is far beyond the scope and object of the original measure."

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute Senate Bill No. 5825 is a measure which prohibits offenders under the supervision of the Department of Corrections from possessing firearms or ammunition, as a part of the sentence condition.

"The House amendments would change the requirements of a concealed weapons permit by adding a restriction against persons who are ineligible under federal law to possess a weapon.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point is well taken."

The House amendment on page 15, after line 10, and the title amendment to Engrossed Substitute Senate Bill 5825 were ruled out of order.

## MOTIONS

On motion of Senator Vognild, and there being no objection, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 5825 was withdrawn.

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5825 and asks the House to recede therefrom.

## MOTION

At 11:24 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 Pritchard.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5982 by Senators McDonald, Roach, Johnson, McCaslin, Gaspard, Rinehart, Murray, Hayner, Wojahn and Snyder (by request of Governor Gardner and Superintendent of Public Instruction)

Replacing federal funding for free and reduced meals during the teachers' work stoppage.

The bill was read the second time.

## MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5982 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 McDonald, if this bill passes, will the money to pay for this come out of the same funds that could be used for increasing teacher's salaries or decreasing class loads?"

Senator McDonald: "Yes, indeed, it all comes out of the general fund, so that two million, if it is spent, would come out of that fund and would decrease our ability to react to those issues."



Senator Saling: "All right, thank you very much. I was under the impression that it would decrease the chances of getting some of the other kinds of things done. I also have one other thought. I recognize that there are a number of children who do receive free or reduced cost lunches in our schools. My other question is, who feeds them during the summer time?"

Senator McDonald did not respond.

### POINT OF INQUIRY

Senator Gaspard: "Senator McDonald, the House has passed their version of the Supplemental Budget and in that budget they have provided for an amendment to the budget that you have passed out in the Senate here which would appropriate approximately the two million dollars that is necessary to implement this program. Is it your intent, when that budget is then before us here shortly, that you would concur in that amendment, so that this program could be funded also in the supplemental program?"

Senator McDonald: "I don't think there is any use to do it in two places. It is the same money. I think this supercedes that."

Senator Gaspard: "You would do which ever would be the most expedient?"

Senator McDonald: "That is correct."

Senator Newhouse demanded a roll call in order to comply with Article II, Section 36, of the State Constitution to consider Senate Bill No. 5982 which was introduced earlier today.

The demand for a roll call was sustained.

The President declared the question before the Senate to be the motion by Senator Newhouse to comply with Article II, Section 36, of the State Constitution.

### ROLL CALL

The Secretary called the roll and the Senate complied to Article II, Section 36, with the following two-thirds vote of the members: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Conner, Craswell, McCaslin, Owen, Rasmussen, Sellar, Stratton - 7.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5982.

## ROLL CALL

The Secretary called the roll and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Conner, Craswell, McCaslin, Owen, Rasmussen, Sellar, Stratton - 7.

SENATE BILL NO. 5982, having received the 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 12:02 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Pritchard.

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

## MESSAGE FROM THE HOUSE

April 20, 1991

MR. PRESIDENT:

The Speaker has signed ENGROSSED SENATE BILL NO. 5906, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

At 1:31 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, April 22, 1991.

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

**NINETY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 22, 1991

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 Moore, Rasmussen and Sellar. On motion of Senator Anderson, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jim Parkerson and Jeff Thompson, presented the Colors. Reverend Don Nicholson, pastor of the Victory 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**

April 19, 1991

**MR. PRESIDENT:**

The House has passed:

SENATE BILL NO. 5042,

SUBSTITUTE SENATE BILL NO. 5045,

SUBSTITUTE SENATE BILL NO. 5052,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,

SENATE BILL NO. 5722,

SECOND SUBSTITUTE SENATE BILL NO. 5830,

SENATE JOINT MEMORIAL NO. 8012, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1013 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1024 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1032 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1054 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1112 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1139 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1206 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1222 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1262 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1263 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1277 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1342 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1416 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1428 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1467 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1470 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

## MOTION

At 9:18 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:29 a.m. by President Pritchard.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5042,  
 SUBSTITUTE SENATE BILL NO. 5045,  
 SUBSTITUTE SENATE BILL NO. 5052,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,  
 SENATE BILL NO. 5722,  
 SECOND SUBSTITUTE SENATE BILL NO. 5830,  
 SENATE JOINT MEMORIAL NO. 8012.

## MESSAGE FROM THE HOUSE

April 10, 1991

## MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5628 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 60.11.010 and 1986 c 242 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Crop" means all products of the soil either growing or cropped, cut, or gathered which require annual planting, harvesting, or cultivating. A crop does not include vegetation produced by the powers of nature alone, nursery stock, or vegetation intended as a permanent enhancement of the land itself.

(2) "Handler" means a person: Who prepares an orchard crop for market for the account of, or as agent for, the producer of the crop, which preparation includes, but is not limited to, receiving, storing, packing, marketing, selling, or delivering the orchard crop; and who takes delivery of the crop from the producer of the crop or from another handler. "Handler" does not include a person who solely transports the crop from the producer to another person.

(3) "Landlord" means a person who leases or subleases to a tenant real property upon which crops are growing or will be grown.

((3)) (4) "Orchard crop" means cherries, peaches, nectarines, plums or prunes, pears, apricots, and apples.

(5) "Secured party" and "security interest" have the same meaning as used in the Uniform Commercial Code, Title 62A RCW.

((4)) (6) "Supplier" includes, but is not limited to, a person who furnishes seed, furnishes and/or applies commercial fertilizer, pesticide, fungicide, weed killer, or herbicide, including spraying and dusting, upon the land of the grower or landowner, or furnishes any work or labor upon the land of the grower or landowner including tilling, preparing for the growing of crops, sowing, planting, cultivating, cutting,

digging, picking, pulling, or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain or hauling to any warehouse any crop or grain grown thereon.

~~((5))~~ (7) "Lien debtor" means the person who is obligated or owes payment or other performance. If the lien debtor and the owner of the collateral are not the same person, "lien debtor" means the owner of the collateral.

~~((6))~~ (8) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest.

Sec. 2. RCW 60.11.020 and 1986 c 242 s 2 are each amended to read as follows:

(1) A landlord whose lease or other agreement with the tenant provides for cash rental payment shall have a lien upon all crops grown upon the demised land in which the landlord has an interest for no more than one year's rent due or to become due within six months following harvest. A landlord with a crop share agreement has an interest in the growing crop which shall not be encumbered by crop liens except as provided in subsections (2) and (3) of this section.

(2) A supplier shall have a lien upon all crops for which the supplies are used or applied to secure payment of the purchase price of the supplies and/or services performed: PROVIDED, That the landlord's interest in the crop shall only be subject to the lien for the amount obligated to be paid by the landlord if prior written consent of the landlord is obtained or if the landlord has agreed in writing with the tenant to pay or be responsible for a portion of the supplies and/or services provided by the lien holder.

(3) A handler shall have a lien on all orchard crops delivered by the lien debtor or another handler to the handler and on all proceeds of the orchard crops for: (a) All customary charges for the ordinary and necessary handling of the crop, including but not limited to charges for transporting, receiving, inspecting, materials and supplies furnished, washing, waxing, sorting, packing, storing, promoting, marketing, selling, advertising, insuring, or otherwise handling the lien debtor's crop; and (b) reasonable cooperative per unit retainages, and for all governmental or quasi-governmental assessments imposed by statute, ordinance, or government regulation. Charges shall not include direct or indirect advances or extensions of credit to lien debtor.

Sec. 3. RCW 60.11.030 and 1986 c 242 s 3 are each amended to read as follows:

(1) Upon filing, the liens described in RCW 60.11.020 (1) and (2) shall attach to the crop for all sums then and thereafter due and owing the lien holder and shall continue in all identifiable cash proceeds of the crop.

(2) Upon the delivery of an orchard crop by the lien debtor, without the necessity of filing, the lien for charges as set forth in RCW 60.11.020(3) shall attach to the delivered crop and shall continue in both the crop and all proceeds of the crop.

Sec. 4. RCW 60.11.040 and 1989 c 229 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section with respect to the lien of a landlord, and except for the lien of a handler as provided in RCW 60.11.020(3), any lien holder must after the commencement of delivery of such supplies and/or of provision of such services, but before the completion of the harvest of the crops for which the lien is claimed, or in the case of a lien for furnishing work or labor within twenty days after the cessation of the work or labor for which the lien is claimed: (a) File a statement evidencing the lien with the department of licensing; and (b) if the lien holder is to be allowed costs, disbursements, and attorneys' fees, mail a copy of such statement to the last known address of the debtor by certified mail, return receipt requested, within ten days.

(2) The statement shall be in writing, signed by the claimant, and shall contain in substance the following information:



- (a) The name and address of the claimant;
- (b) The name and address of the debtor;
- (c) The date of commencement of performance for which the lien is claimed;
- (d) A description of the labor services, materials, or supplies furnished;
- (e) A description of the crop and its location to be charged with the lien sufficient for identification; and
- (f) The signature of the claimant.

(3) The department of licensing may by rule prescribe standard filing forms, fees, and uniform procedures for filing with, and obtaining information from, filing officers, including provisions for filing crop liens together with financing statements filed pursuant to RCW 62A.9-401 so that one request will reveal all filed crop liens and security interests.

(4) Any landlord claiming a lien under this chapter for rent shall file a statement evidencing the lien with the department of licensing. A lien for rent claimed by a landlord pursuant to this chapter shall be effective during the term of the lease for a period of up to five years. A landlord lien covering a lease term longer than five years may be refiled in accordance with RCW 60.11.050~~((4))~~ (5). A landlord who has a right to a share of the crop may place suppliers on notice by filing evidence of such interest in the same manner as provided for filing a landlord's lien.

Sec. 5. RCW 60.11.050 and 1986 c 242 s 5 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), ~~((and))~~ (4), and (5) of this section, conflicting liens and security interests shall rank in accordance with the time of filing.

(2) The lien created in RCW 60.11.020(2) in favor of any person who furnishes any work or labor upon the land of the grower or landowner shall be preferred and prior to any other lien or security interest upon the crops to which they attach including the liens described in subsections (3) ~~((and))~~, (4), and (5) of this section.

(3) The lien created in RCW 60.11.020(3) in favor of handlers is preferred and prior to a lien or security interest described in subsection (4) or (5) of this section and to any other lien or security interest upon the crops to which they attach except the liens in favor of a person who furnishes work or labor upon the land of the grower or landlord. Whenever more than one handler holds a handler's lien created by RCW 60.11.020(3) in the same crop, unless the affected parties otherwise agree in writing, the later of the liens to attach has priority over all previously attached handlers' liens.

(4) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a later filed lien or security interest incurred to produce the crop to the extent that obligations secured by such earlier filed security interest or lien were not incurred to produce such crops.

~~((4))~~ (5) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a properly filed landlord's lien. A landlord's lien shall retain its priority if refiled within six months prior to its expiration.

Sec. 6. RCW 60.11.140 and 1986 c 242 s 14 are each amended to read as follows:

(1) Whenever the total amount of the lien has been fully paid, the lien holder filing a lien shall, within fifteen days following receipt of full payment, file its lien termination statement with the department of licensing. Failure to file a lien termination statement by the lien holder or the assignee of the lien holder shall cause the lien holder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated together with damages incurred by the debtor due to the failure of the lien holder to terminate the lien.

(2) There shall be no charge by the department of licensing for entering the lien termination statement and indexing the same and returning a copy of the lien termination statement stamped as "filed" with the filing date thereon.

(3) The department of licensing may enter the lien termination statement on microfilm or other photographic record and destroy all originals of the lien and lien satisfaction filed with him or her.

**Sec. 7.** RCW 62A.9-310 and 1986 c 242 s 16 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien properly created pursuant to chapter 60.13 RCW or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) Conflicting priorities between (~~nonpossessory~~) crop liens created under chapter 60.11 RCW and security interests shall be governed by chapter 60.11 RCW.

On page 1, line 1 of the title, after "handlers;" strike the remainder of the title and insert "and amending RCW 60.11.010, 60.11.020, 60.11.030, 60.11.040, 60.11.050, 60.11.140, and 62A.9-310.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Substitute Senate Bill No. 5628.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5628, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Moore, Rasmussen - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5628, 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.

### MOTION

On motion of Senator Murray, Senators Moore and Rasmussen were excused.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5713 with the following amendment:

On page 14, line 30, after "20.01.430" strike "as now or hereafter amended" and insert "~~((as now or hereafter amended))~~. For a consignor who is participating in a pooling arrangement, the commission merchant shall, on the same day final remittance and accounting are made to the consignor as required by RCW 20.01.430, transmit to the consignor a summary of the records which are available for inspection by any consignor to that pool", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Barr, the Senate concurred in the House amendment to Substitute Senate Bill No. 5713.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5713, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5713, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5713, 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.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5916 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide timely, thorough, and fair procedures for resolution of grievances of clients, foster parents, and the community resulting from decisions made by the department of social and health services related to programs administered pursuant to this chapter. Grievances should be resolved at the lowest level possible. However, all levels of the department should be accountable and responsible to individuals who are experiencing difficulties with

agency services or decisions. It is the intent of the legislature that grievance procedures be made available to individuals who do not have other remedies available through judicial review or adjudicative proceedings.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, or the application of such a policy or procedure, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process. The department shall submit semi-annual reports, due January and July of each year, beginning July 1992, to the senate children and family services committee and the house of representatives human services committee.

**Sec. 3.** RCW 13.34.110 and 1983 c 311 s 4 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

**Sec. 4.** RCW 74.13.280 and 1990 c 284 s 10 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.110 and 74.13.280; adding a new section to chapter 74.13 RCW; creating a new section; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Roach moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5916.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5916 was deferred.

#### MOTION

On motion of Senator Linda Smith, Senator Cantu was excused.

#### MESSAGE FROM THE HOUSE

April 17, 1991

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5231 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.85.165 and 1988 c 205 s 1 are each amended to read as follows:

All real estate brokers and salespersons shall furnish proof as the director may require that they have successfully completed a total of thirty clock hours of instruction every two years in real estate courses approved by the director in order to renew their licenses. Up to fifteen clock hours of instruction beyond the thirty hours in two years may be carried forward for credit in a subsequent two-year period. To count towards

this requirement, a course shall be commenced within thirty-six months before the proof date for renewal. Examinations shall not be required to fulfill any part of the education requirement in this section. This section shall apply to renewal dates after January 1, 1991.

Sec. 2. RCW 18.85.140 and 1989 c 161 s 2 are each amended to read as follows:

Before receiving his or her license every real estate broker, every associate real estate broker, and every real estate salesperson must pay a license fee as prescribed by the director by rule. Every license issued under the provisions of this chapter expires on the applicant's second birthday following issuance of the license. Licenses issued to partnerships expire on a date prescribed by the director by rule. Licenses issued to corporations expire on a date prescribed by the director by rule, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the real estate broker's license issued to the corporation shall expire on that date. Licenses must be renewed every two years on or before the date established under this section and a biennial renewal license fee as prescribed by the director by rule must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director by rule shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and ~~((qualifications for initial licensing, including the successful completion of any applicable examinations))~~ requirements as prescribed by the director by rule.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he or she shall prescribe.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 18.85.165 and 18.85.140."

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 13, insert the following:

"(2) Any individual holding a lapsed real estate broker's or salesperson's license shall have his or her license reactivated upon providing proof to the director that the individual has completed sixty clock hours of state-approved continuing education coursework. The individual shall not be required to take an examination in order to have the license reactivated.

(3)"

On page 2, line 1, after "section." insert the following:

"(4)"

On page 2, line 1, after "dates" insert "and reactivation of licenses", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Senate Bill No. 5231.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5231, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5231, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Moore, Rasmussen, Sellar - 4.

SENATE BILL NO. 5231, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5497 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Construction agent" means any registered or licensed contractor, registered or licensed subcontractor, architect, engineer, or other person having charge of any improvement to real property, who shall be deemed the agent of the owner for the limited purpose of establishing the lien created by this chapter.

(2) "Contract price" means the amount agreed upon by the contracting parties, or if no amount is agreed upon, then the customary and reasonable charge therefor.

(3) "Draws" means periodic disbursements of interim or construction financing by a lender.

(4) "Furnishing labor, professional services, materials, or equipment" means the performance of any labor or professional services, the contribution owed to any employee benefit plan on account of any labor, the provision of any supplies or materials, and the renting, leasing, or otherwise supplying of equipment for the improvement of real property.

(5) "Improvement" means: (a) Constructing, altering, repairing, remodeling, demolishing, clearing, grading, or filling in, of, to, or upon any real property or street or road in front of or adjoining the same; (b) planting of trees, vines, shrubs, plants, hedges, or lawns, or providing other landscaping materials on any real property; and (c) providing professional services upon real property or in preparation for or in conjunction with the intended activities in (a) or (b) of this subsection.

(6) "Interim or construction financing" means that portion of money secured by a mortgage, deed of trust, or other encumbrance to finance improvement of, or to real property, but does not include:

(a) Funds to acquire real property;

(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;

(c) Funds to pay loan, commitment, title, legal, closing, recording, or appraisal fees;

(d) Funds to pay other customary fees, which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;

(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to this chapter.

(7) "Labor" means exertion of the powers of body or mind performed at the site for compensation. "Labor" includes amounts due and owed to any employee benefit plan on account of such labor performed.

(8) "Mortgagee" means a person who has a valid mortgage of record or deed of trust of record securing a loan.

(9) "Owner" means the record holder of any legal or beneficial title to the real property to be improved or developed.

(10) "Owner-occupied" means a single-family residence occupied by the owner as his or her principal residence.

(11) "Payment bond" means a surety bond issued by a surety licensed to issue surety bonds in the state of Washington that confers upon potential claimants the rights of third party beneficiaries.

(12) "Potential lien claimant" means any person or entity entitled to assert lien rights under this chapter who has otherwise complied with the provisions of this chapter and is registered or licensed if required to be licensed or registered by the provisions of the laws of the state of Washington.

(13) "Prime contractor" includes all contractors, general contractors, and specialty contractors, as defined by chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who contract directly with a property owner or their common law agent to assume primary responsibility for the creation of an improvement to real property, and includes property owners or their common law agents who are contractors, general contractors, or specialty contractors as defined in chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year.

(14) "Professional services" means surveying, establishing or marking the boundaries of, preparing maps, plans, or specifications for, or inspecting, testing, or otherwise performing any other architectural or engineering services for the improvement of real property.

(15) "Real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, trust, or individual that makes loans secured by real property located in the state of Washington.

(16) "Site" means the real property which is or is to be improved.

(17) "Subcontractor" means a general contractor or specialty contractor as defined by chapter 18.27 or 19.28 RCW, or who is otherwise required to be registered or licensed by law, who contracts for the improvement of real property with someone other than the owner of the property or their common law agent.

**NEW SECTION. Sec. 2. LIEN AUTHORIZED.** Except as provided in section 3 of this act, any person furnishing labor, professional services, materials, or equipment for the improvement of real property shall have a lien upon the improvement for the contract price of labor, professional services, materials, or equipment furnished at the instance of the owner, or the agent or construction agent of the owner.

**NEW SECTION. Sec. 3. NOTICES--EXCEPTIONS.** (1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and section 24 of this act, this notice shall be given to the prime contractor unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but



only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

(a) Mailing the notice by certified or registered mail to the owner or reputed owner; or

(b) Serving the notice personally upon the owner or reputed owner and obtaining evidence of service in the form of a receipt or other acknowledgement signed by the owner or reputed owner.

In the case of new construction of a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is mailed or served as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

(a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or

(c) Subcontractors who contract for the improvement of real property directly with the prime contractor.

(3) Persons who furnish professional services, materials, or equipment in connection with the repair, alteration, or remodel of an existing owner-occupied single-family residence or appurtenant garage:

(a) Who contract directly with the owner-occupier shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in section 2 of this act; or

(b) Who do not contract directly with the owner-occupier shall give notice of the right to claim a lien to the owner-occupier. Lien claims by persons who do not contract directly with the owner-occupier may only be satisfied from amounts not yet paid to the prime contractor by the owner at the time the notice described in this section is received, regardless of whether amounts not yet paid to the prime contractor are due.

(4) The notice described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.

PROTECT YOURSELF FROM PAYING TWICE

To:.....

Date:.....

From:.....

AT THE REQUEST OF: (Name of person placing the order)

THIS IS NOT A LIEN: This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY

Under Washington law, those who work on or provide materials for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. Claims may only be made against that portion of the contract you have not yet paid to your prime contractor as of the time you received this notice. Review the back of this notice for more information and ways to avoid lien claims.

#### COMMERCIAL AND/OR NEW RESIDENTIAL PROPERTY

We have or will be providing labor, materials, professional services, or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all materials, equipment, and professional services furnished after a date that is sixty days before this notice was mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was mailed to you.

Sender: .....

Address: .....

Telephone: .....

Brief description of professional services, materials, or equipment provided or to be provided: .....

#### IMPORTANT INFORMATION ON REVERSE SIDE

#### IMPORTANT INFORMATION FOR YOUR PROTECTION

This notice is sent to inform you that we have or will provide materials, professional services, or equipment for the repair, remodel, or alteration of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

LEARN more about the lien laws and the meaning of this notice by discussing with your contractor, suppliers, department of labor and industries, the firm sending you this notice, your lender, or your attorney.

**COMMON METHODS TO AVOID CONSTRUCTION LIENS:** There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

**DUAL PAYCHECKS (Joint Checks):** When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

**LIEN RELEASES:** You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have

not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE WHATEVER STEPS YOU BELIEVE NECESSARY TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

\* \* \* \* \*

(5) Every potential lien claimant providing professional services where no improvement as defined in section 1(5) (a) or (b) of this act has been commenced, and the professional services provided are not visible from an inspection of the real property shall record in the real property records of the county where the property is located a notice which shall contain the provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser who acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in section 1(5) (a) or (b) of this act without notice of the professional services being provided.

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the provisions of this section.

NEW SECTION. **Sec. 4. CONTRACTOR REGISTRATION.** A contractor or subcontractor required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, or otherwise required to be registered or licensed by law, shall be deemed the construction agent of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW, or other certificate or license issued pursuant to law, covering the period when the labor, professional services, material, or equipment shall be furnished, and the lien rights shall not be lost by suspension or revocation of registration or license without their knowledge. No lien rights described in this section shall be lost or denied by virtue of the absence, suspension, or revocation of such registration or license with respect to any contractor or subcontractor not in immediate contractual privity with the lien claimant.

NEW SECTION. **Sec. 5. PROPERTY SUBJECT TO LIEN.** The lot, tract, or parcel of land which is improved is subject to a lien to the extent of the interest of the person for whom the labor, professional services, equipment, or materials were furnished, as the court deems appropriate for satisfaction of the lien. If, for any reason, the title or interest in the land upon which the improvement is situated cannot be subjected to the lien, the court in order to satisfy the lien may order the sale and removal of the improvement which is subject to the lien, from the land.

NEW SECTION. **Sec. 6. PRIORITY OF LIEN.** The claim of lien created by this chapter upon any lot or parcel of land shall be prior to any lien, mortgage, deed of trust, or other encumbrance which attached to the land after or was unrecorded at the time of commencement of labor or professional services or first delivery of materials or equipment by the lien claimant.

NEW SECTION. **Sec. 7. RELEASE OF LIEN RIGHTS.** Upon payment and acceptance of the amount due to the lien claimant and upon demand of the owner or

the person making payment, the lien claimant shall immediately prepare and execute a release of all lien rights for which payment has been made, and deliver the release to the person making payment. In any suit to compel deliverance of the release thereafter in which the court determines the delay was unjustified, the court shall, in addition to ordering the deliverance of the release, award the costs of the action including reasonable attorneys' fees and any damages.

**NEW SECTION. Sec. 8. FRIVOLOUS CLAIM--PROCEDURE.** (1) Any owner of real property subject to a recorded notice of claim of lien under this chapter, or the contractor or subcontractor who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply to the superior court for the county where the property, or some part thereof is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the lien claim should not be dismissed, with prejudice.

(2) The order shall clearly state that if the lien claimant fails to appear at the time and place noted the lien claim shall be dismissed, with prejudice and that the lien claimant shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(3) If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars. If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(4) If, following a full hearing on the matter, the court determines that the lien claim is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order dismissing the lien claim if frivolous or reducing the claim if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the lien claimant. If the court determines that the claim of lien is not frivolous and made with reasonable cause, and is not clearly excessive, the court shall issue and order so stating and awarding costs and reasonable attorneys' fees to the lien claimant to be paid by the applicant.

(5) Proceedings under this section shall not affect other rights and remedies available to the parties under this chapter or otherwise.

**NEW SECTION. Sec. 9. RECORDING--TIME--CONTENTS OF LIEN.** Every person claiming a lien under section 2 of this act shall record, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due. The notice of claim of lien:

- (1) Shall state in substance and effect:
  - (a) The name, phone number, and address of the claimant;
  - (b) The first and last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;
  - (c) The name of the person indebted to the claimant;
  - (d) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;
  - (e) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated; and
  - (f) The principal amount for which the lien is claimed.

(2) Shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read the notice of claim of lien and believe the notice of claim of lien to be true and correct under penalty of perjury, and shall be acknowledged pursuant to chapter 64.08 RCW. If the claim has been

assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

....., claimant, vs .., owner or reputed owner

Notice is hereby given that on the ..... day of ..... (date of commencement of furnishing labor, professional services, materials, or equipment and the last date contributions to any type of employee benefit plan became due), ..... at the request of ....., ..... commenced to (perform labor, furnish professional services, materials, or equipment) upon ..... (here describe property subject to the lien) of which property the owner, or reputed owner, is ..... (or if the owner or reputed owner is not known, insert the word "unknown"), the (furnishing of labor, professional services, materials, or equipment) ceased on the ..... day of .....; that said (labor, professional services, material, or equipment) was of the value of ..... dollars, for which the undersigned claims a lien upon the property herein described for the sum of ..... dollars. (In case the claim has been assigned, add the words "and ..... is assignee of said claim", or claims, if several are united.)

....., Claimant.

.....  
.....

(Phone number, address, city, and state of claimant)

STATE OF WASHINGTON, COUNTY OF

.....,ss.

....., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct under penalty of perjury.

.....  
Subscribed and sworn to before me this ..... day of .....

.....

The period provided for recording the notice is a period of limitation and no action to foreclose a claim of lien shall be maintained unless the notice is recorded within the ninety-day period stated. The lien claimant shall give notice of the claim of lien to the owner or reputed owner by certified or registered mail or by personal service within fourteen days of the time the claim is recorded. Failure to do so results in a forfeiture of any right the claimant may have to attorneys' fees and costs against the owner under section 18 of this act.

**NEW SECTION. Sec. 10. SEPARATE RESIDENTIAL UNITS--TIME FOR FILING.** When furnishing labor, professional services, materials, or equipment for the construction of two or more separate residential units, the time for filing claims of lien

against each separate residential unit shall commence to run upon the cessation of the furnishing of labor, professional services, materials, or equipment on each residential unit, as provided in this chapter. For the purposes of this section a separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto.

**NEW SECTION. Sec. 11. RECORDING--FEES.** The county auditor shall record the notice of claim of lien in the same manner as deeds and other instruments of title are recorded under chapter 65.08 RCW. Notices of claim of lien for registered land need not be recorded in the Torrens register. The county auditor shall charge no higher fee for recording notices of claim of lien than other documents.

**NEW SECTION. Sec. 12. LIEN--ASSIGNMENT.** Any lien or right of lien created by this chapter and the right of action to recover therefor, shall be assignable so as to vest in the assignee all rights and remedies of the assignor, subject to all defenses thereto that might be made.

**NEW SECTION. Sec. 13. CLAIMS--DESIGNATION OF AMOUNT DUE.** In every case in which the notice of claim of lien is recorded against two or more separate pieces of property owned by the same person or owned by two or more persons jointly or otherwise, who contracted for the labor, professional services, material, or equipment for which the notice of claim of lien is recorded, the person recording the notice of claim of lien shall designate in the notice of claim of lien the amount due on each piece of property, otherwise the lien is subordinated to other liens that may be established under this chapter. The lien of such claim does not extend beyond the amount designated as against other creditors having liens upon any of such pieces of property.

**NEW SECTION. Sec. 14. LIEN--DURATION--PROCEDURAL LIMITATIONS.** No lien created by this chapter binds the property subject to the lien for a longer period than eight calendar months after the notice of claim of lien has been recorded unless an action is filed by the lien claimant within that time in the superior court in the county where the subject property is located to enforce the lien, and service is made upon the owner of the subject property within ninety days of the date of filing the action; or, if credit is given and the terms thereof are stated in the notice of claim of lien, then eight calendar months after the expiration of such credit; and in case the action is not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the action for want of prosecution, and the dismissal of the action or a judgment rendered thereon that no lien exists shall constitute a cancellation of the lien. This is a period of limitation, which shall be tolled by the filing of any petition seeking protection under Title Eleven, United States Code by an owner of any property subject to the lien established by this chapter.

**NEW SECTION. Sec. 15. RIGHTS OF OWNER--RECOVERY OPTIONS.** The lien claimant shall be entitled to recover upon the claim recorded the contract price after deducting all claims of other lien claimants to whom the claimant is liable, for furnishing labor, professional services, materials, or equipment; and in all cases where a notice of claim of lien shall be recorded under this chapter for labor, professional services, materials, or equipment supplied to any lien claimant, he or she shall defend any action brought thereupon at his or her own expense; and during the pendency of the action, the owner may withhold from the prime contractor the amount of money for which a claim is recorded by any subcontractor, supplier, or laborer; and in case of judgment against the owner or the owner's property, upon the lien, the owner shall be entitled to deduct the principal amount of the judgment from any amount due or to become due from him or her to the lien claimant plus such costs, including interest and attorneys' fees, as the court deems just and equitable, and he or she shall be entitled to recover back from the lien claimant the amount for which the lien is established in excess of any sum that may remain due from him or her to the lien claimant.

**NEW SECTION. Sec. 16. BOND IN LIEU OF CLAIM.** Any owner of real property subject to a recorded notice of claim of lien under this chapter, or the contractor or subcontractor who disputes the correctness or validity of the notice of claim of lien may record, either before or after the commencement of an action to enforce the lien, in the office of the county recorder or auditor in the county where the notice of claim of lien was recorded, a bond issued by a surety company authorized to issue surety bonds in the state. The surety shall be listed in the latest federal department of the treasury list of surety companies acceptable on federal bonds, published in the Federal Register, as authorized to issue bonds on United States government projects with an underwriting limitation, including applicable reinsurance, equal to or greater than the amount of the bond to be recorded. The bond shall contain a description of the notice of claim of lien and real property involved, and be in an amount equal to the greater of five thousand dollars or two times the amount of the lien claimed if it is ten thousand dollars or less, and in an amount equal to or greater than one and one-half times the amount of the lien if it is in excess of ten thousand dollars. If the notice of claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the notice of claim of lien. A separate bond shall be required for each notice of claim of lien made by separate claimants. However, a single bond may be used to guarantee payment of amounts claimed by more than one lien claim by a single claimant so long as the amount of the bond meets the requirements of this section as applied to the aggregate sum of all claims by such claimant. The condition of the bond shall be to guarantee payment of any judgment upon the lien in favor of the lien claimant entered in any action to recover the amount claimed in a notice of claim of lien, or on the claim asserted in the notice of claim of lien. The effect of recording a bond shall be to release the real property described in the notice of claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is commenced to recover on a lien within the time specified in section 14 of this act, the surety shall be discharged from liability under the bond. If an action is timely commenced, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

Nothing in this section shall in any way prohibit or limit the use of other methods, devised by the affected parties to secure the obligation underlying a claim of lien and to obtain a release of real property from a claim of lien.

**NEW SECTION. Sec. 17. FORECLOSURE--PARTIES.** The lien provided by this chapter, for which claims of lien have been recorded, may be foreclosed and enforced by a civil action in the court having jurisdiction in the manner prescribed for the judicial foreclosure of a mortgage. The court shall have the power to order the sale of the property. In any action brought to foreclose a lien, the owner shall be joined as a party. The lien claims of all persons who, prior to the commencement of the action, have legally recorded claims of lien against the same property, or any part thereof, shall not be foreclosed or affected unless they are joined as a party.

A person shall not begin an action to foreclose a lien upon any property while a prior action begun to foreclose another lien on the same property is pending, but if not made a party plaintiff or defendant to the prior action, he or she may apply to the court to be joined as a party thereto, and his or her lien may be foreclosed in the same action. The filing of such application shall toll the running of the period of limitation established by section 14 of this act until disposition of the application or other time set by the court. The court shall grant the application for joinder unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions as the court deems just. If a lien foreclosure action is filed during the pendency of another such action, the court may, on its own motion or the motion of any party, consolidate actions upon such terms and conditions

as the court deems just, unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions. If consolidation of actions is not permissible under this section, the lien foreclosure action filed during the pendency of another such action shall not be dismissed if the filing was the result of mistake, inadvertence, surprise, excusable neglect, or irregularity. An action to foreclose a lien shall not be dismissed at the instance of a plaintiff therein to the prejudice of another party to the suit who claims a lien.

**NEW SECTION. Sec. 18. RANK OF LIEN--APPLICATION OF PROCEEDS--ATTORNEYS' FEES.** (1) In every case in which different construction liens are claimed against the same property, the court shall declare the rank of such lien or class of liens, which liens shall be in the following order:

- (a) Liens for the performance of labor;
- (b) Liens for contributions owed to employee benefit plans;
- (c) Liens for furnishing material, supplies, or equipment;
- (d) Liens for subcontractors, including but not limited to their labor and materials;

and

- (e) Liens for prime contractors, or for professional services.

(2) The proceeds of the sale of property must be applied to each lien or class of liens in order of its rank and, in an action brought to foreclose a lien, pro rata among each claimant in each separate priority class. A personal judgment may be rendered against any party personally liable for any debt for which the lien is claimed. If the lien is established, the judgment shall provide for the enforcement thereof upon the property liable as in the case of foreclosure of judgment liens. The amount realized by such enforcement of the lien shall be credited upon the proper personal judgment. The deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against any party liable therefor.

(3) The court may allow the prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for recording the notice of claim of lien, costs of title report, bond costs, and attorneys' fees and necessary expenses incurred by the attorney in the superior court, court of appeals, supreme court, or arbitration, as the court or arbitrator deems reasonable. Such costs shall have the priority of the class of lien to which they are related, as established by subsection (1) of this section.

(4) Real property against which a lien under this chapter is enforced may be ordered sold by the court and the proceeds deposited into the registry of the clerk of the court, pending further determination respecting distribution of the proceeds of the sale.

**NEW SECTION. Sec. 19. EFFECT OF NOTE--PERSONAL ACTION PRESERVED.** The taking of a promissory note or other evidence of indebtedness for any labor, professional services, material, or equipment furnished for which a lien is created by this chapter does not discharge the lien therefor, unless expressly received as payment and so specified therein.

Nothing in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for the furnishing of labor, professional services, material, or equipment to maintain a personal action to recover the debt against any person liable therefor.

**NEW SECTION. Sec. 20. MATERIAL EXEMPT FROM PROCESS--EXCEPTION.** Whenever material is furnished for use in the improvement of property subject to a lien created by this chapter, the material is not subject to attachment, execution, or other legal process to enforce any debt due by the purchaser of the material, except a debt due for the purchase money thereof, so long as in good faith, the material is about to be applied in the improvement of such property.

**NEW SECTION. Sec. 21. LIEN--EFFECT ON COMMUNITY INTEREST.** The claim of lien, when filed as required by this chapter, shall be notice to the



husband or wife of the person who appears of record to be the owner of the property sought to be charged with the lien, and shall subject all the community interest of both husband and wife to the lien.

**NEW SECTION. Sec. 22. NOTICE TO LENDER--WITHHOLDING OF FUNDS.** Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures and the rights and liabilities of the lender and potential lien claimant shall be affected as follows:

(1) Any potential lien claimant who has not received a payment within five days after the date required by their contract, invoice, employee benefit plan agreement, or purchase order may within thirty-five days of the date required for payment of the contract, invoice, employee benefit plan agreement, or purchase order, file a notice as provided in subsections (2) and (3) of this section of the sums due and to become due, for which a potential lien claimant may claim a lien under this chapter.

(2) The notice shall be signed by the potential lien claimant or some person authorized to act on his or her behalf who shall affirmatively state under penalty of perjury, they have read the notice and believe it to be true and correct.

(3) The notice shall be filed in writing with the lender at the office administering the interim or construction financing, with a copy furnished to the owner and appropriate prime contractor. The notice shall state in substance and effect as follows:

(a) The person, firm, trustee, or corporation filing the notice is entitled to receive contributions to any type of employee benefit plan or has furnished labor, professional services, materials, or equipment for which a right of lien is given by this chapter.

(b) The name of the prime contractor, common law agent, or construction agent ordering the same.

(c) A common or street address of the real property being improved or the legal description of the real property.

(d) The name, business address, and telephone number of the lien claimant.

The notice to the lender may contain additional information but shall be in substantially the following form:

NOTICE TO REAL PROPERTY LENDER  
(Authorized by RCW .....)

TO: ..... (Name of Lender)

..... (Administrative Office-Street Address)

..... (City) (State) (Zip)

AND TO: ..... (Owner)

AND TO: ..... (Prime Contractor-If Different Than Owner)

..... (Name of Laborer, Professional, Materials, or Equipment Supplier)

whose business address is ....., did at the property located at .....

(Check appropriate box) ( ) perform labor ( ) furnish professional services ( ) provide materials ( ) supply equipment as follows:

.....

.....  
.....

which was ordered by .....

(Name of Person)

whose address was stated to be .....

.....

The amount owing to the undersigned according to contract or purchase order for labor, supplies, or equipment (as above mentioned) is the sum of ..... Dollars

(\$ ..... ). Said sums became due and owing as of .....

.....

(State Date)

.....

You are hereby required to withhold from any future draws on existing construction financing which has been made on the subject property (to the extent there remain undisbursed funds) the sum of ..... Dollars

(\$ ..... ).

IMPORTANT

Failure to comply with the requirements of this notice may subject the lender to a whole or partial compromise of any priority lien interest it may have pursuant to section 23 of this act.

DATE: .....

By: .....

Its: .....

(4) After the receipt of the notice, the lender shall withhold from the next and subsequent draws the amount claimed to be due as stated in the notice. Alternatively, the lender may obtain from the prime contractor or borrower a payment bond for the benefit of the potential lien claimant in an amount sufficient to cover the amount stated in the potential lien claimant's notice. The lender shall be obligated to withhold amounts only to the extent that sufficient interim or construction financing funds remain undisbursed as of the date the lender receives the notice.

(5) Sums so withheld shall not be disbursed by the lender, except by the written agreement of the potential lien claimant, owner, and prime contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

(6) In the event a lender fails to abide by the provisions of subsections (4) and (5) of this section, then the mortgage, deed of trust, or other encumbrance securing the lender will be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event more than the amount stated in the notice plus costs as fixed by the court, including reasonable attorneys' fees.

(7) Any potential lien claimant shall be liable for any loss, cost, or expense, including reasonable attorneys' fees and statutory costs, to a party injured thereby arising out of any unjust, excessive, or premature notice filed under purported authority of this section. "Notice" as used in this subsection does not include notice given by a

potential lien claimant of the right to claim liens under this chapter where no actual claim is made.

(8)(a) Any owner of real property subject to a notice to real property lender under this section, or the contractor or subcontractor who believes the claim that underlies the notice is frivolous and made without reasonable cause, or clearly excessive may apply to the superior court for the county where the property, or some part thereof is located, for an order commanding the potential lien claimant who issued the notice to the real property lender to appear before the court at a time no earlier than six nor later than fifteen days from the date of service of the application and order on the potential lien claimant, and show cause, if any he or she has, why the notice to real property lender should not be declared void.

(b) The order shall clearly state that if the potential lien claimant fails to appear at the time and place noted, the notice to lender shall be declared void and that the potential lien claimant issuing the notice shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(c) The clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars.

(d) If, following a full hearing on the matter, the court determines that the claim upon which the notice to real property lender is based is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order declaring the notice to real property lender void if frivolous, or reducing the amount stated in the notice if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the person who issued the notice. If the court determines that the claim underlying the notice to real property lender is not frivolous and made with reasonable cause, and is not clearly excessive, the court shall issue an order so stating and awarding costs and reasonable attorneys' fees to the issuer of the notice to be paid by the applicant.

(e) Proceedings under this subsection shall not affect other rights and remedies available to the parties under this chapter or otherwise.

**NEW SECTION. Sec. 23. FINANCIAL ENCUMBRANCES--PRIORITIES.** Except as otherwise provided in section 6 or 22 of this act, any mortgage or deed of trust shall be prior to all liens, mortgages, deeds of trust, and other encumbrances which have not been recorded prior to the recording of the mortgage or deed of trust to the extent of all sums secured by the mortgage or deed of trust regardless of when the same are disbursed or whether the disbursements are obligatory.

**NEW SECTION. Sec. 24. AVAILABILITY OF INFORMATION.** The prime contractor shall immediately supply the information listed in RCW 19.27.095(2) to any person who has contracted to supply materials, equipment, or professional services or who is a subcontractor on the improvement, as soon as the identity and mailing address of such subcontractor, supplier, or professional is made known to the prime contractor either directly or through another subcontractor, supplier, or professional.

**NEW SECTION. Sec. 25. LIBERAL CONSTRUCTION.** RCW 19.27.095, 60.04.230, and sections 1 through 24 of this act are to be liberally construed to provide security for all parties intended to be protected by their provisions.

**NEW SECTION. Sec. 26. CAPTIONS--NOT PART OF LAW.** Section headings as used in sections 1 through 26 of this act do not constitute any part of the law.

**Sec. 27.** RCW 19.27.095 and 1987 c 104 s 1 are each amended to read as follows:

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance but for any construction project costing more than five thousand dollars the application shall include, at a minimum:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(3) The information required on the building permit application by subsection (2) (a) through (d) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

(4) The information required by subsection (2) of this section and information supplied by the applicant after the permit is issued under subsection (5) of this section shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made.

(5) If any of the information required by subsection (2)(d) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under subsection (1) of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

(6) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

**Sec. 28.** RCW 60.04.230 and 1984 c 202 s 3 are each amended to read as follows:

(1) For any construction project costing more than five thousand dollars (~~where the primary use of the improvements on the real property is for one or more residences~~) the prime contractor shall post in plain view for the duration of the construction project a legible notice at the construction job site containing the following:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number and identification; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(2) For any construction project (~~not subject to subsection (1) of this section costing more than five thousand dollars, the prime contractor shall post in plain view~~

for the duration of the construction project a legible notice at the construction job site containing the following:

(a) ~~The legal description or the street address and any other identification of the construction site by the prime contractor;~~

(b) ~~The property owner's name, address, and phone number;~~

(c) ~~The prime contractor's business name, address, phone number, current state contractor registration number and identification.~~

(3)) which requires a building permit under local ordinance, compliance with the posting requirements of RCW 19.27.095 shall constitute compliance with this section. Otherwise, the information shall be posted as set forth in this section.

(3) Failure to comply with this section ((is a gross misdemeanor)) shall subject the prime contractor to a civil penalty of not more than five thousand dollars, payable to the county where the project is located.

NEW SECTION. Sec. 29. Sections 1 through 26 of this act are each added to chapter 60.04 RCW.

NEW SECTION. Sec. 30. RCW 60.04.045 is recodified as a section in chapter 60.24 RCW.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) RCW 60.04.010 and 1975 c 34 s 3, 1971 ex.s. c 94 s 2, 1959 c 279 s 1, 1905 c 116 s 1, & 1893 c 24 s 1;

(2) RCW 60.04.020 and 1984 c 202 s 4, 1977 ex.s. c 57 s 1, 1969 ex.s. c 84 s 1, 1965 c 98 s 1, 1959 c 279 s 2, 1959 c 278 s 1, 1957 c 214 s 1, 1911 c 77 s 1, & 1909 c 45 s 1;

(3) RCW 60.04.030 and 1905 c 116 s 2 & 1893 c 24 s 2;

(4) RCW 60.04.040 and 1975 c 34 s 4, 1971 ex.s. c 94 s 3, 1959 c 279 s 3, 1929 c 230 s 1, & 1893 c 24 s 3;

(5) RCW 60.04.050 and 1975 c 34 s 5, 1959 c 279 s 4, & 1893 c 24 s 4;

(6) RCW 60.04.060 and 1975 c 34 s 6, 1971 ex.s. c 94 s 1, 1959 c 279 s 5, 1949 c 217 s 1(5a), & 1893 c 24 s 5;

(7) RCW 60.04.064 and 1959 c 279 s 6 & 1949 c 217 s 1(5b);

(8) RCW 60.04.067 and 1975 c 34 s 7, 1959 c 279 s 7, & 1949 c 217 s 1(5c);

(9) RCW 60.04.070 and 1985 c 44 s 10, 1949 c 217 s 2, & 1893 c 24 s 6;

(10) RCW 60.04.080 and 1893 c 24 s 7;

(11) RCW 60.04.090 and 1959 c 279 s 8 & 1893 c 24 s 8;

(12) RCW 60.04.100 and 1975 1st ex.s. c 231 s 1, 1943 c 209 s 1, & 1893 c 24 s 9;

(13) RCW 60.04.110 and 1975 c 34 s 8, 1959 c 279 s 9, & 1893 c 24 s 10;

(14) RCW 60.04.115 and 1986 c 314 s 4;

(15) RCW 60.04.120 and 1893 c 24 s 11;

(16) RCW 60.04.130 and 1975 c 34 s 9, 1971 c 81 s 129, 1969 c 38 s 1, 1959 c 279 s 10, & 1893 c 24 s 12;

(17) RCW 60.04.140 and 1959 c 279 s 11 & 1893 c 24 s 14;

(18) RCW 60.04.150 and 1893 c 24 s 15;

(19) RCW 60.04.160 and 1893 c 24 s 16;

(20) RCW 60.04.170 and 1893 c 24 s 17;

(21) RCW 60.04.180 and 1959 c 279 s 12 & 1893 c 24 s 13;

(22) RCW 60.04.200 and 1984 c 202 s 1 & 1973 1st ex.s. c 47 s 1;

(23) RCW 60.04.210 and 1984 c 202 s 2, 1975 c 34 s 10, & 1973 1st ex.s. c 47 s 2;

(24) RCW 60.04.220 and 1973 1st ex.s. c 47 s 3;

(25) RCW 60.20.010 and 1943 c 18 s 1;

(26) RCW 60.20.020 and 1943 c 18 s 2;

(27) RCW 60.20.030 and 1955 c 239 s 1 & 1943 c 18 s 3;

(28) RCW 60.20.040 and 1943 c 18 s 4;

- (29) RCW 60.20.050 and 1943 c 18 s 5;  
 (30) RCW 60.20.060 and 1943 c 18 s 6;  
 (31) RCW 60.48.010 and 1931 c 107 s 1; and  
 (32) RCW 60.48.020 and 1931 c 107 s 2.

NEW SECTION. Sec. 32. This act shall take effect April 1, 1992. Lien claims based on an improvement commenced by a potential lien claimant on or after April 1, 1992, shall be governed by the provisions of this act.

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 19.27.095 and 60.04.230; adding new sections to chapter 60.04 RCW; adding a new section to chapter 60.24 RCW; recodifying RCW 60.04.045; repealing RCW 60.04.010, 60.04.020, 60.04.030, 60.04.040, 60.04.050, 60.04.060, 60.04.064, 60.04.067, 60.04.070, 60.04.080, 60.04.090, 60.04.100, 60.04.110, 60.04.115, 60.04.120, 60.04.130, 60.04.140, 60.04.150, 60.04.160, 60.04.170, 60.04.180, 60.04.200, 60.04.210, 60.04.220, 60.20.010, 60.20.020, 60.20.030, 60.20.040, 60.20.050, 60.20.060, 60.48.010, and 60.48.020; prescribing penalties; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5497.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5497, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5497, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5497, 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.

### MOTION

On motion of Senator Craswell, Senator Bluechel was excused.

### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5776 with the following amendments:

On page 5, line 17, after "only," insert ""Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board."

On page 9, after line 29, insert the following:

Sec. 4. RCW 9.46.0315 and 1987 c 4 s 27 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle. The organization may provide unopened containers of beverages containing alcohol as raffle prizes if the appropriate permit has been obtained from the liquor control board: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

On page 1, line 2 of the title, after "66.24.170," strike "and 66.24.210" and insert "66.24.210, and 9.46.0315", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5776.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5776, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Craswell - 1.

Excused: Senators Bluechel, Moore, Rasmussen, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5776, 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.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5022 with the following amendments:

On page 4, line 11, after "6" strike "(1)"

On page 4, line 14, after "full-time" strike "equivalent"

On page 6, line 14, after "state" insert "public"

On page 6, line 14, after "education" strike all remaining language through "(a)" on line 17 and insert "located in the state of Washington, except that the academic grant may be used for courses at a private institution of higher education in the state of Washington if the conditions in subsection (3) of this section are met, and the academic grant may be used for courses at a public or a private institution of higher education in another state or country if the conditions in subsection (4) of this section are met.

(2)"

On page 6, line 18, strike "(i)" and insert "(a)"

On page 6, line 21, strike "(ii)" and insert "(b)"

On page 7, beginning on line 1, strike all material through "(2)" on line 12 and insert the following:

"(3) Teachers and principals or administrators who select an academic grant under section 3(2)(a) of this act may use the grant for courses at any private institution as defined in subsection (2)(b) of this section subject to the following conditions:

(a) The academic grant shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities;

(b) The academic grant shall be contingent on the private institution matching on at least a dollar-for-dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state; and

(c) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies.

(4)"

On page 7, line 23, after "education" strike "shall submit" and insert "has submitted"

On page 7, line 25, after "in" strike "Washington." and insert "Washington; and

(d) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bailey the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5022.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5022, as amended by the House.



## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, Moore, Rasmussen, Sellar - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5022, 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.

## MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5114 with the following amendment:

On page 2, after line 13, insert the following:

NEW SECTION. Sec. 4. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses.

NEW SECTION. Sec. 5. The superintendent of public instruction, in cooperation with school districts, the state patrol, and local law enforcement personnel, shall develop a proposed definition and guidelines for implementing an expanded definition of "hazardous walking conditions" as used in RCW 28A.160.160(4) that would also include "social hazards." At a minimum, social hazards shall include areas with unacceptable levels of narcotic activity, sex offenders, prostitution, street violence, or environmentally dangerous conditions such as toxic waste dumps. The superintendent of public instruction shall submit its proposed definition and guidelines, with the projected fiscal impact of implementing the definition and guidelines, to the education committees of the house of representatives and the senate by December 1, 1991.

Renumber the remaining section and correct internal references accordingly., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5114.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5114, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5114, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, Moore, Rasmussen, Sellar - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5114, 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.

## MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5261 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

The building code council shall adopt rules by December 1, 1991, requiring that all buildings classed as E-1 occupancies, as defined in the state building code, except portable school classrooms, constructed after the effective date of this act, be provided with an automatic fire-extinguishing system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions.

By December 15, 1991, the council shall transmit to the superintendent of public instruction, the state board of education, and the fire protection policy board copies of the rules as adopted. The superintendent of public instruction, the state board of education, and the fire protection policy board shall respond to the council by February 15, 1992, with any recommended changes to the rule. If changes are recommended the council shall immediately consider those changes to the rules through its rule-making procedures. The rules shall be effective on July 1, 1992.

**Sec. 2.** RCW 48.48.045 and 1986 c 266 s 69 are each amended to read as follows:

Nonconstruction standards (~~(for construction)~~) relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board. (~~The director of community development, through the director of fire protection, shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the director of community development, through~~) The director of fire protection(;) shall make or cause to be made plan reviews and construction inspections for all E-1 occupancies as may be necessary to insure compliance with (~~said codes~~) the state building code and

standards for schools adopted under chapter 19.27 RCW. Nothing in this section prohibits the director of fire protection from delegating construction inspection authority to any local jurisdiction.

~~((Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those adopted as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.))~~

On page 1, line 2 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 48.48.045; and adding a new section to chapter 19.27 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Bailey moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5261.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate do concur in the House amendments to Substitute Senate Bill No. 5261.

The motion by Senator Bailey carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5261.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5261, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, Moore, Rasmussen, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5261, 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.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5449 with the following amendment:

On page 1, line 8, after "right" strike "and of the appeal process" and insert ", notice that a description of the appeal process is available, and how the description of the appeal process may be obtained", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Bailey, the Senate concurred in the House amendment to Senate Bill No. 5449.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5449, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5449, 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.

### MESSAGE FROM THE HOUSE

April 16, 1991

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5528 with the following amendments:

On page 2, line 19, after "1990 c 290 s" strike "3" and insert "5"

On page 1, line 3 of the title, after "1990 c 290 s" strike "3" and insert "5", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Senate Bill No. 5528.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5528, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5528, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5528, 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.

## MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5766 with the following amendments:

On page 2, line 23, after "act." insert "Advisors shall not be required to be professionally certificated."

On page 3, line 4, after "year" insert ", is pregnant, or is a parent", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Senate Bill No. 5766.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5766, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5766, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5766, 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.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5260 with the following amendments:

On page 5, line 10, after "ownership" insert "or control"

On page 5, line 11, after "designation." insert "'Control" as used herein shall be defined by the commission by rule and shall not include management by a satellite agency as defined in chapter 70.116 if the satellite agency is not an owner of the water company.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Thorsness, the Senate concurred in the House amendments to Substitute Senate Bill No. 5260.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5260, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5260, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5260, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5518 with the following amendments:

On page 2, line 28, beginning with "registered" strike all material through "customer" on line 29 and insert "providing"

On page 3, line 14, after "whatsoever." strike all material through "directories." on line 15 and insert "'Advertisement' does not include any listing in a white page telephone directory. In a yellow page telephone directory, 'advertisement' includes only yellow page display advertising."

On page 5, line 12, strike "Advertisements" and insert "(a) Except as otherwise provided in (b) of this subsection, advertisements"

On page 5, after line 16, insert "(b) In telephone directory yellow page display advertising and in printed materials published not more than three times a year, instead of disclosing the cost of the service, advertisements for information delivery services, shall include the conspicuous disclosure that the call is a pay-per-call service."

On page 2, line 16, after "calls." insert "'Information provider' does not include the medium for advertising information delivery services.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Thorsness, the Senate concurred in the House amendments to Substitute Senate Bill No. 5518.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5518, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5518, 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.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5083 with the following amendments:

On page 1, line 11, strike "hatcheries" and insert "hatchery"

On page 1, after line 11, strike the remainder of the act and insert:

**NEW SECTION. Sec. 2.** The department of fisheries shall request full funding from the federal government for the reconstruction and operation of the Green River salmon hatchery, located on the Green River tributary to the Toutle River. The department shall work with the Washington congressional delegation to achieve full funding for the Green River hatchery. To the extent that federal funds are available, the department shall reconstruct and operate that hatchery. The hatchery system on the Toutle River shall be operated in such a manner as to ensure that adult salmon are allowed to migrate upstream of the hatchery for natural spawning purposes.

**NEW SECTION. Sec. 3.** If full funding of the Green River hatchery is not made available to the department by the federal government, the department shall submit a report to the senate committee on environment and natural resources and to the house of representatives committee on fisheries and wildlife. The report shall be submitted by December 1, 1991, and shall describe the priorities used by the department to allocate salmon hatchery funding.

On page 1, line 1 of the title, after "hatcheries;" strike all material through line 2 and insert "and creating new sections.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5083.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5083, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5083, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5083, 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.

### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5143 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1. FINDINGS AND INTENT.** It is the purpose of this chapter to:

(1) Substantially increase the procurement of recycled content products by all local and state governmental agencies and public schools, and provide a model to encourage a comparable commitment by Washington state citizens and businesses in their purchasing practices;

(2) Target government procurement policies and goals toward those recycled products for which there are significant market development needs or that may substantially contribute to solutions to the state's waste management problem;



(3) Provide standards for recycled products for use in procurement programs by all governmental agencies;

(4) Provide the authority for all governmental agencies to adopt preferential purchasing policies for recycled products;

(5) Direct state agencies to develop strategies to increase recycled product purchases, and to provide specific goals for procurement of recycled paper products and organic recovered materials; and

(6) Provide guidance and direction for local governments and other public agencies to develop plans for increasing the procurement of recycled content products.

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

(1) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of cellulose-containing waste materials.

(2) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.

(3) "Lubricating oil" means petroleum-based oils for reducing friction in engine parts and other mechanical parts.

(4) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(5) "Paper and paper products" means all items manufactured from paper or paperboard.

(6) "Postconsumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.

(7) "Procurement officer" means the person that has the primary responsibility for procurement of materials or products.

(8) "State agency" means all units of state government, including divisions of the governor's office, the legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions, and universities and colleges.

(9) "Recycled content product" or "recycled product" means a product containing recycled materials.

(10) "Recycled materials" means waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from postconsumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.

(11) "Re-refined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments other than those used in reclaiming.

(12) "USEPA product standards" means the product standards of the United States environmental protection agency for recycled content published in the code of federal regulations.

**NEW SECTION. Sec. 3. STANDARDS FOR RECYCLED CONTENT.**

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

- (e) Consider postconsumer waste content and the recyclability of the product.
- (2) The director shall consult with the supply management board and department of ecology prior to adopting the recycled content standards.
- (3) The director shall adopt recycled content standards for at least the following products by the dates indicated:
- (a) By July 1, 1992:
- (i) Paper and paper products;
  - (ii) Organic recovered materials; and
  - (iii) Latex paint products;
- (b) By July 1, 1993:
- (i) Products for lower value uses containing recycled plastics;
  - (ii) Retread and remanufactured tires;
  - (iii) Lubricating oils;
  - (iv) Automotive batteries; and
  - (v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. Sec. 4. LOCAL GOVERNMENT PROCUREMENT PROGRAMS.

(1) By January 1, 1993, each local government shall review its existing procurement policies and specifications to determine whether recycled products are intentionally or unintentionally excluded. The policies and specifications shall be revised to include such products unless a recycled content product does not meet an established performance standard of the agency.

(2) By fiscal year 1994, each local government shall adopt a minimum purchasing goal for recycled content as a percentage of the total dollar value of supplies purchased. To assist in achieving this goal each local government shall adopt a strategy by January 1, 1993, and shall submit a description of the strategy to the department. The department shall report to the appropriate standing committees of the legislature by October 1, 1993, on the progress of implementation by local governments, and shall thereafter periodically report on the progress of recycled product purchasing by state and other public agencies. All public agencies shall respond to requests for information from the department for the purpose of its reporting requirements under this section.

(3) Each local government shall designate a procurement officer who shall serve as the primary contact with the department for compliance with the requirements of this chapter.

(4) This section shall apply only to local governments with expenditures for supplies exceeding five hundred thousand dollars for fiscal year 1989. Expenditures for capital goods and for electricity, water, or gas for resale shall not be considered a supply expenditure.

Sec. 5. RCW 43.19.538 and 1988 c 175 s 2 are each amended to read as follows:

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of products which will provide for preferential purchase of products containing (~~recovered~~) recycled material by:

(a) The use of a weighting factor determined by the amount of (~~recovered~~) recycled material in a product, where appropriate and known in advance to potential bidders, to determine the lowest responsible bidder. The actual dollars bid shall be the contracted amount. If the department determines, according to criteria established by

rule that the use of this weighting factor does not encourage the use of more ~~((recovered))~~ recycled material, the department shall consider and award bids without regard to the weighting factor. In making this determination, the department shall consider but not be limited to such factors as adequate competition, economics or environmental constraints, quality, and availability.

(b) Requiring a written statement of the percentage range of ~~((recovered-material))~~ recycled content from the bidder providing products containing ~~((recovered-material))~~ recycled. The range may be stated in ~~((fifteen))~~ five percent increments.

(2) The director shall develop a directory of businesses that supply products containing significant quantities of ~~((recovered))~~ recycled materials. This directory may be combined with and made accessible through the data base of recycled content products to be developed under section 8 of this act.

(3) The director shall encourage all parties using the state purchasing office to purchase products containing ~~((recovered))~~ recycled materials.

(4) The rules, specifications, and bid evaluation shall be consistent with recycled content standards adopted under section 3 of this act.

NEW SECTION. Sec. 6. (1) Each local government shall consider the adoption of policies, rules, or ordinances to provide for the preferential purchase of recycled content products. Any local government may adopt the preferential purchasing policy of the department of general administration, or portions of such policy, or another policy that provides a preference for recycled content products.

(2) The department of general administration shall prepare one or more model recycled content preferential purchase policies suitable for adoption by local governments. The model policy shall be widely distributed and provided through the technical assistance and workshops under section 9 of this act.

(3) A local government that is not subject to the purchasing authority of the department of general administration, and that adopts the preferential purchase policy or rules of the department, shall not be limited by the percentage price preference included in such policy or rules.

NEW SECTION. Sec. 7. STATE AGENCY PROCUREMENT. The department shall prepare a mandatory state plan to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The plan shall include purchases from public works contracts. The plan shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the plan shall incorporate actions to achieve the following purchase level goals of recycled content paper and compost products:

(1) Paper products as a percentage of the total dollar amount purchased on an annual basis:

- (a) At least forty percent by 1993;
- (b) At least fifty percent by 1994;
- (c) At least sixty percent by 1995.

(2) Compost products as a percentage of the total dollar amount on an annual basis:

- (a) At least twenty-five percent by 1993;
- (b) At least forty percent by 1995;
- (c) At least sixty percent by 1997.

NEW SECTION. Sec. 8. DATA BASE. (1) The department shall develop a data base of available products with recycled-content products, and vendors supplying such products. The data base shall incorporate information regarding product consistency with the content standards adopted under section 3 of this act. The data base shall incorporate information developed through state and local government procurement of recycled-content products.

(2) By December 1, 1992, the department shall report to the appropriate standing committees of the legislature on the cost of making the data base accessible to all state and local governments and to the private sector.

(3) The department shall compile information on purchases made by the department or pursuant to the department's purchasing authority, and information provided by local governments, regarding:

(a) The percentage of recycled content and, if known, the amount of postconsumer waste in the products purchased;

(b) Price;

(c) Agency experience with the performance of recycled products and the supplier under the terms of the purchase; and

(d) Any other information deemed appropriate by the department.

**NEW SECTION. Sec. 9. PROCUREMENT EDUCATION PROGRAM.**

(1) The department shall implement an education program to encourage maximum procurement of recycled products by state and local government entities. The program shall include at least the following:

(a) Technical assistance to all public agencies and their designated procurement officers on the requirements of this chapter, including preparation of model purchase contracts, the preparation of procurement plans, and the availability of recycled products;

(b) Two or more workshops annually in which all state and local government entities are invited;

(c) Information on intergovernmental agreements to facilitate procurement of recycled products.

(2) The director shall, in consultation with the department of ecology, make available to the public, local jurisdictions, and the private sector, a comprehensive list of substitutes for extremely hazardous, hazardous, toxic, and nonrecyclable products, and disposable products intended for a single use. The department and all state agencies exercising the purchasing authorities of the department shall include the substitute products on bid notifications, except where the department allows an exception based upon product availability, price, suitability for intended use, or similar reasons.

(3) The department shall prepare model procurement guidelines for use by local governments.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.78 RCW to read as follows:

**PUBLIC PRINTER.** The public printer shall take all actions consistent with the plan under section 7 of this act to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1995.

**NEW SECTION. Sec. 11. BID NOTIFICATION.** A notification regarding a state or local government's intent to procure products with recycled content must be prominently displayed in the procurement solicitation or invitation to bid including:

(1) A description of the postconsumer waste content or recycled content requirements; and

(2) A description of the agency's recycled content preference program.

**NEW SECTION. Sec. 12. VENDOR CERTIFICATION.** (1) After July 1, 1992, vendors shall certify the percentage of recycled content in products sold to state and local governments, including the percentage of postconsumer waste that is in the product. The certification shall be in the form of a label on the product or a statement by the vendor attached to the bid documents.

(2) The certification on multicomponent or multimaterial products shall verify the percentage and type of postconsumer waste and recycled content by volume contained in the major constituents of the product.

(3) The procuring agency may state in bid solicitations that permission to verify the certification by review of the bidder or manufacturer's records must be granted as a condition of the bid award, in the event of a bidder's protest or other challenge to the bid accepted.

(4) The department shall adopt rules by May 1, 1992, describing the contents of the certification required by this section.

**NEW SECTION. Sec. 13. PROCUREMENT OF COMPOST PRODUCTS.**

(1) The department shall increase the procurement of compost products for all state facilities and grounds that require landscaping or similar work. The department shall survey available vendors and state facilities for which such products are suitable, and attempt to match such supplies and need to lower transportation and other costs. The department shall consider and implement modification of performance standards where appropriate to achieve greater procurement of compost products.

(2) Beginning July 1, 1992, the total of department contracts awarded in whole or in part for the purchase of landscaping materials or soil amendments shall include compost products as follows:

(a) For the period July 1, 1992, through June 30, 1994, twenty-five percent of the total dollar amount of purchases; and

(b) On and after July 1, 1994, fifty percent of the total annual dollar amount of purchases.

**NEW SECTION. Sec. 14.** A new section is added to chapter 47.28 RCW to read as follows:

**COMPOST PRODUCTS IN TRANSPORTATION PROJECTS.** (1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1991, through June 30, 1993, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, 1993, through June 30, 1995, fifty percent of the total dollar amount purchased. The percentages in this subsection apply only to the materials' value, and do not include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

**NEW SECTION. Sec. 15.** A new section is added to chapter 19.27 RCW to read as follows:

**STATE BUILDING CODE STUDY.** The state building code council, in consultation with the department of ecology and local governments, shall conduct a study of the state building code, and adopt changes as necessary to encourage greater use of recycled building materials from construction and building demolition debris, mixed waste paper, waste paint, waste plastics, and other waste materials.

**NEW SECTION. Sec. 16. USE OF RECYCLED MATERIALS IN ROAD CONSTRUCTION.** The department of transportation, in consultation with the department of trade and economic development, shall prepare and forward to the legislature on or before January 1, 1992, a study of the use of recycled materials for public highways, roads, bicycle routes, trails, and paths. The study shall include, but not be limited to:

(1) An analysis of the types of recycled materials appropriate and feasible as alternative paving material such as glass, tires, or incinerator ash;

(2) An analysis of uses for waste tires, including, but not limited to, erosion control mats, highway stabilization mats, ferry bumpers, highway crash attenuation barriers, road subbase materials, or backfill;

(3) An analysis of using recycled mixed-plastic materials for guard rail posts, right of way fence posts, and sign supports;

(4) Strategies to test and monitor the use of recycled content materials in road construction;

(5) Product specifications for recycled materials;

(6) Programs to demonstrate the feasibility of using recycled materials; and

(7) Identification of recycled material sources and vendors to ensure competitive product pricing and material availability.

**NEW SECTION. Sec. 17. USE OF COMPOST PRODUCTS IN LOCAL ROAD PROJECTS.** (1) Each county and city required to prepare a strategy under section 4 of this act shall adopt specifications for compost products to be used in road projects. The specifications developed by the department of transportation under section 14 of this act may be adopted by the city or county in lieu of developing specifications.

(2) After July 1, 1992, any contract awarded in whole or in part for applying soils, soil covers, or soil amendments to road rights of way shall specify that compost materials be purchased in accordance with the following schedule:

(a) For the period July 1, 1992, through June 30, 1994, at least twenty-five percent of the total dollar amount of purchases by the city or county;

(b) On and after July 1, 1994, at least fifty percent of the annual total dollar amount of purchases by the city or county.

(3) The city or county may depart from the schedule in subsection (2) of this section where it determines that no suitable product is available at a reasonable price.

**NEW SECTION. Sec. 18.** A new section is added to Title 28A RCW to read as follows:

Every school board of directors shall consider the purchase of playground matting manufactured from shredded waste tires in undertaking construction or maintenance of playgrounds. The department of general administration shall upon request assist in the development of product specifications and vendor identification.

**NEW SECTION. Sec. 19.** RCW 43.19.537 and 1988 c 175 s 1 & 1982 c 61 s 1 are each repealed.

**NEW SECTION. Sec. 20. CODIFICATION.** Sections 1 through 4, 6 through 9, 11 through 13, 16, and 17 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 21. CAPTIONS NOT LAW.** Captions as used in this act constitute no part of the law.

**NEW SECTION. Sec. 22.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 43.19.538; adding a new section to chapter 43.78 RCW; adding a new section to chapter 47.28 RCW; adding a new section to chapter 19.27 RCW; adding a new section to Title 28A RCW; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.19.537."

On page 2, after line 6 of the amendment, insert "(2) "Department" means the department of general administration.

(3) "Director" means the director of the department of general administration."

Re-number remaining subsections consecutively and correct internal references accordingly.

On page 8, line 21 of the amendment, after "to all" strike "public agencies" and insert "state and local governments", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5143.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5143, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Vognild - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5143, 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.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5264 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature hereby finds and declares that:

(1) Trees and other woody vegetation are a necessary and important part of community and urban environments. Community and urban forests have many values and uses including conserving energy, reducing air and water pollution and soil erosion, contributing to property values, attracting business, reducing glare and noise, providing aesthetic and historical values, providing wood products, and affording comfort and protection for humans and wildlife.

(2) As urban and community areas in Washington state grow, the need to plan for and protect community and urban forests increases. Cities and communities benefit from assistance in developing and maintaining community and urban forestry programs that also address future growth.

(3) Assistance and encouragement in establishment, retention, and enhancement of these forests and trees by local governments, citizens, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's municipalities and counties while providing opportunities for economic development.

NEW SECTION. Sec. 2. The purpose of this chapter is to:

(1) Encourage planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment.

(2) Encourage the coordination of state and local agency activities and maximize citizen participation in the development and implementation of community and urban forestry-related programs.

(3) Foster healthy economic activity for the state's community and urban forestry-related businesses through cooperative and supportive contracts with the private business sector.

(4) Facilitate the creation of employment opportunities related to community and urban forestry activities including opportunities for inner city youth to learn teamwork, resource conservation, environmental appreciation, and job skills.

(5) Provide meaningful voluntary opportunities for the state's citizens and organizations interested in community and urban forestry activities.

**NEW SECTION. Sec. 3.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of natural resources.

(2) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature.

(3) "Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forest land may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.

(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.

(5) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

**NEW SECTION. Sec. 4.** (1) The department may establish and maintain a program in community and urban forestry to accomplish the purpose stated in section 2 of this act. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.

(3) The department may appoint a committee or council to advise the department in establishing and carrying out a program in community and urban forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban forestry programs and cooperative projects.

**NEW SECTION. Sec. 5.** The department may:

(1) Receive and disburse any and all moneys contributed, allotted, or paid by the United States under authority of any act of congress for the purposes of this chapter.

(2) Receive such gifts, grants, bequests, and endowments and donations of labor, material, seedlings, and equipment from public or private sources as may be made for the purpose of carrying out the provisions of this chapter, and may spend the gifts, grants, bequests, endowments, and donations as well as other moneys from public or private sources.

(3) Charge fees for attendance at workshops and conferences, and for various publications and other materials that the department may prepare.



(4) Enter into agreements and contracts with persons having community and urban forestry-related responsibilities.

NEW SECTION. Sec. 6. The department shall assume the primary responsibility of carrying out this chapter and shall cooperate with other private and public, state and federal persons, any agency of another state, the United States, any agency of the United States, or any agency or province of Canada.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 76 RCW.

On page 1, line 1 of the title, after "forestry;" strike the remainder of the title and insert "and adding a new chapter to Title 76 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Senate Bill No. 5264.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5264, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5264, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Vognild - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5264, 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.

### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5478 with the following amendments:

On page 1, beginning on line 6, strike all material through "containers." on line 7.

On page 8, after line 9, insert NEW SECTION. Sec. 5. A new section is added to 19.27 to read as follows:

By July 1, 1992, the state building code council shall adopt rules to ensure that new commercial facilities have adequate and conveniently located space to store and dispose of recyclable materials and solid waste."

On page 1, line 2 of the title, after "70.95.110;" insert "adding a new section to RCW 19.27."

On page 8, after line 9, insert NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

By July 1, 1992, the state building code council shall adopt rules to ensure that new multifamily residences have adequate and conveniently located space to store and dispose of recyclable materials and solid waste."

On page 1, line 2 of the title, after "70.95.110;" insert "adding a new section to RCW 19.27"., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 5478.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5478, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5478, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5478, 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.

### PERSONAL PRIVILEGE

Senator Metcalf: "A point of personal privilege, Mr. President. While we are waiting, I would like to announce a meeting of the Environment and Natural Resources Committee. A hearing on Wildlife Department funding will be held at 8:00 a.m., Wednesday, April 24, in Senate Hearing Room One. Actually, the Wildlife funding bills were not heard by the House Wildlife Committee and do need a full and open hearing. I'd like to thank Senator Oke, especially, and Senator Sutherland for helping to bring this issue before the committee. We will have the hearing on Wednesday, April 24, 8:00 a.m., Senate Hearing Room One."

## MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5536 with the following amendments:

On page 4, beginning on line 1, strike all of section 3

On page 1, beginning on line 2 of the title, after "force;" strike the remainder of the title and insert "and creating new sections.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Thorsness, the Senate concurred in the House amendments to Substitute Senate Bill No. 5536.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5536, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kroidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5536, 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.

## MESSAGE FROM THE HOUSE

April 11, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5501 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The fishing capacity of the non-treaty salmon industry in the state of Washington may exceed that required to harvest non-treaty salmon allocations. This overcapacity can negatively impact the economic stability of the salmon fishing industry and in some instances impedes orderly fisheries. The legislature finds that it is in the best interest of the long term economic stability of the salmon industry to determine the optimum number of commercial salmon licenses that should be available.

NEW SECTION. Sec. 2. The director of the department of fisheries shall, in close cooperation with the salmon fishing industry, investigate the requirements for issuance, retention, and transfer of commercial salmon licenses, shall determine the optimum number of such licenses for each existing gear type and licensing area, and shall determine the best means for attaining that optimum number. The director shall, in making this determination, consider the impacts of all non-treaty fisheries on weak stocks of salmon including those originating in Hood Canal. The director shall also consider possible environmental factors contributing to the declining fishery in Hood Canal. The director shall specifically evaluate the following issues in Hood Canal:

(1) Whether commercial salmon fisheries in Hood Canal should be restricted to certain areas;

(2) Whether guidelines pertaining to depth of nets and distance from the shoreline for vessels or skiffs are necessary; and

(3) Whether more effective methods of minimizing incidental catch in Hood Canal of blackmouth during commercial net fisheries and of coho salmon during the chum salmon fishery are needed.

Based on this evaluation, the director shall determine whether fishing regulations for Hood Canal commercial salmon fisheries should be modified, and how to minimize environmental damage to the bottom and aquatic plant life of Hood Canal.

NEW SECTION. Sec. 3. The director of the department of fisheries shall, in determining the number of licenses that should be issued, consider the impact of commercial incidental catch of fish on the recreational fishery. The director shall evaluate the need for a study for observing and documenting incidental catch of fish in non-treaty commercial fisheries. If a study is determined to be necessary, the director shall develop a study plan for observing and documenting incidental catch. The director shall initiate discussions with tribal representatives concerning evaluation of the incidental catch in tribal fisheries. The department shall present its findings and recommendations under sections 2 and 3 of this act to the legislature on or before December 1, 1991.

The director shall invite members of the house fisheries and wildlife committee and the senate committee on environment and natural resources to attend meetings in which these recommendations are being developed., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Substitute Senate Bill No. 5501.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5501, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness - 34.

Voting nay: Senators Anderson, Craswell, Erwin, McCaslin, McMullen, Niemi, Rinehart, Vognild, von Reichbauer, West, Williams, Wojahn - 12.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5501, 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.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5501, as amended by the House, passed the Senate.

#### MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

#### MESSAGES FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1558 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1525 and passed the bill as amended by the Senate.

#### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5612 with the following amendments:

On page 5, line 21. after "securities," strike "interest,"

On page 5, line 23 after "areas" strike "and all earnings from investments of balances in the account"

On page 5, line 25 after "account." strike everything down to and including "account." on line 26

On page 6, beginning on line 5 strike all of section 9

Renumber remaining sections consecutively and correct internal references accordingly.

On page 6, beginning on line 13 strike all of section 11

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, after "79.71.080," strike "79.71.090, and 43.84.090; creating new sections" and insert "and 79.71.090; creating a new section"

On page 5, line 27 beginning with "Appropriations" strike everything down to and including "RCW" on page 6, line 4 and insert the following:

"Appropriations from this account to the department shall be expended for no other purpose than the following: (1) to manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapters 79.70 and 79.71 RCW or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5612 and asks the House to recede therefrom.

### MOTIONS

On motion of Senator Murray, Senator Snyder was excused.

On motion of Senator Anderson, Senators McDonald and Roach were excused.

### MESSAGE FROM THE HOUSE

April 19, 1991

#### MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5624 with the following amendments:

On page 2, line 4, after "water" strike "line." and insert "line;"

On page 2, line 12, strike "considerations." and insert "considerations;"

On page 2, line 16, after "shellfish" strike "habitats." and insert "habitats; and", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5624.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5624, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5624, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senators Conner, Matson - 2.

Excused: Senators McDonald, Moore, Rasmussen, Roach, Sellar, Snyder - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5624, 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.

## WITHDRAWAL OF MOTION FOR RECONSIDERATION

On motion of Senator Metcalf, and there being no objection, the notice for reconsideration of the vote by which the Senate passed Substitute Senate Bill No. 5501, as amended by the House, was withdrawn.

## MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5043 with the following amendment:

On page 2, after line 5, strike the remainder of the bill and insert the following:

"(9) Any other election related document authorized by rule adopted by the secretary of state under section 2 of this act."

The acceptance by the secretary of state or the county auditor is conditional upon the document being filed in a timely manner, being legible, and otherwise satisfying the requirements of state law or rules with respect to form and content.

If the original copy of a document must be signed and a copy of the document is filed by facsimile transmission under this section, the original copy shall be subsequently filed with the official with whom the facsimile was filed. The original copy shall be filed by a deadline established by the secretary by rule. The secretary may by rule require that the original of any document, a copy of which is filed by facsimile transmission under this section, also be filed by a deadline established by the secretary by rule."

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall adopt rules in accordance with chapter 34.05 RCW to implement section 1 of this act., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Senate Bill No. 5043.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5043, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5043, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Conner, Matson - 2.

Excused: Senators McDonald, Moore, Rasmussen, Roach, Sellar - 5.

SENATE BILL NO. 5043, 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 the Message from the House on Engrossed Substitute Senate Bill No. 5318 and the pending motion by Senator von Reichbauer that the Senate do not concur in the House amendments, deferred April 20, 1991.

The President declared the question before the Senate to be the motion by Senator von Reichbauer to not concur in the House amendments to Engrossed Substitute Senate Bill No. 5318.

The motion by Senator von Reichbauer carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5318 and asks the House to recede therefrom.

## MOTION

On motion of Senator Anderson, Senator Matson was excused.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5494 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 62A.3-515 and 1986 c 128 s 1 are each amended to read as follows:

(1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a



reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his or her last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or ~~((one))~~ three hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

(b) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims.

**Sec. 2.** RCW 62A.3-520 and 1986 c 128 s 2 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

#### NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to ..... in the amount of ..... has not been accepted for payment by ....., which is the drawee bank designated on your check. This check is dated ....., and it is numbered, No. ....

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(3) ~~((One))~~ Three hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within fifteen days after the date this letter is postmarked.

You are advised to make your payment to ..... at the following address:  
.....

On page 1, line 1 of the title, after "debts;" strike the remainder of the title and insert "and amending RCW 62A.3-515 and 62A.3-520.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator von Reichbauer moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5494.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5494.

The motion by Senator von Reichbauer carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5494.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5494, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5494, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Bluechel, Cantu - 2.

Excused: Senators Matson, McDonald, Moore, Rasmussen, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5494, 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.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5882 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that drug asset forfeiture and criminal profiteering laws allow law enforcement officials and the courts to strip drug dealers and other successful criminals of the wealth they have acquired from their crimes and the assets they have used to facilitate those crimes. These laws are rarely used by prosecutors, however, because of the difficulty in identifying profiteering and the assets that criminals may have as a result of their crimes. It is the intent of the legislature to provide assistance to local law enforcement officials and state agencies to seize the assets of criminals and the proceeds of their profiteering.

NEW SECTION. Sec. 2. A new section is added to chapter 43.10 RCW to read as follows:

The attorney general shall: (1) Assist local law enforcement officials in the development of cases arising under the criminal profiteering laws with special emphasis on narcotics related cases; (2) assist local prosecutors in the litigation of criminal profiteering or drug asset forfeiture cases, or, at the request of a prosecutor's office, litigate such cases on its behalf; and (3) conduct seminars and training sessions on prosecution of criminal profiteering cases and drug asset forfeiture cases.

NEW SECTION. Sec. 3. A new section is added to chapter 43.10 RCW to read as follows:

All assets recovered pursuant to section 2 of this act shall be distributed in the following manner: (1) For drug asset forfeitures, pursuant to the provisions of RCW 69.50.505; and (2) for criminal profiteering cases, pursuant to the provisions of RCW 9A.82.100.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "criminals;" strike the remainder of the title and insert "adding new sections to chapter 43.10 RCW; and creating new sections."

On page 2, line 7 strike all of section 4

On page 2, line 16 of the title amendment strike "new sections" and insert "a new section"

On page 1, line 19 of the amendment strike "shall" and insert "may", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5882.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5882, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5882, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Snyder - 1.

Excused: Senators McDonald, Moore, Rasmussen, Sellar - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5882, 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.

## MOTION

On motion of Senator Linda Smith, Senator Anderson was excused.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5156 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 29.18 RCW to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

(1) The legislative authority of each county and each city, town, and special purpose district which lies entirely within the county shall provide the county auditor accurate information describing its geographical boundaries and the boundaries of its director, council, or commissioner districts and shall ensure that the information provided to the auditor is kept current.

(2) A city, town, or special purpose district that lies in more than one county shall provide the secretary of state accurate information describing its geographical boundaries and the boundaries of its director, council, or commissioner districts and shall ensure that the information provided to the secretary is kept current. The secretary of state shall promptly transmit to each county in which a city, town, or special purpose district is located information regarding the boundaries of that jurisdiction which is provided to the secretary.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each recodified as sections in chapter 29.15 RCW on July 1, 1992.

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.04 RCW; adding new sections to chapter 29.15 RCW; and recodifying RCW 29.18.--- and 29.04.---", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5156.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5156, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5156, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Anderson, McDonald, Moore, Rasmussen, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

## MR. PRESIDENT:

The House has passed SENATE BILL NO. 5473 with the following amendment:

On page 1, after line 6, strike all material through "RCW 4.92.210." on page 2, line 2 and insert:

"The tort claims revolving fund is created in the custody of the treasurer to be used solely and exclusively for the payment of claims arising out of tortious conduct taking place prior to July 1, 1990 and against both the state and its officers, employees, and volunteers for whom the defense of the claims was authorized under RCW 4.92.070.

Monies paid from the revolving fund for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance. Payment from the revolving fund shall not be made until the claim has been approved for payment in accordance with RCW 4.92.210.", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Senate Bill No. 5473.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5473, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5473, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Anderson, McDonald, Moore, Rasmussen, Sellar - 5.

SENATE BILL NO. 5473, 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.

### MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5512 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 56.08 RCW to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any sewer connection with any sewer of any sewer district, or with any sewer which is connected directly or indirectly with any sewer of any sewer district without having permission from the sewer district.

Sec. 2. RCW 56.12.015 and 1990 c 259 s 23 are each amended to read as follows:

If a three-member board of commissioners of any sewer district with any number of customers determines by resolution (~~((and approves by unanimous vote of the board))~~) that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the board of a sewer district with any number of customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the sewer district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of .....(Name and/or No. of sewer district)..... be increased from three to five members?

Yes .....

No .....

If the proposition receives a majority approval at the election the board of commissioners of the sewer district shall be increased to five members. In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution, a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of sewer commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms.

**Sec. 3.** RCW 56.20.030 and 1986 c 256 s 2 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing written protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested: (a) By protests filed with the secretary of the board ((before the public hearing)) no later than ten days after the hearing, signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district or (b) by the commissioners not adopting a resolution ordering the improvement at a public hearing held not more than ninety days from the day the resolution of intention was adopted, unless the commissioners file with the county auditor a copy of the notice required by RCW 56.20.020, and in no event at a hearing held more than two years from the day the resolution of intention was adopted.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the sewer district to proceed with the improvement and creating the district must be filed, and notice to the sewer district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 56.20.080. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding

whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 56.20.080.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 56.20.080, the commissioners may proceed with the improvement and provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer of each county in which the real property is to be assessed its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

**Sec. 4.** RCW 56.20.080 and 1971 ex.s. c 272 s 11 are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his or her objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him or her certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon a fundamentally wrong basis or a decision of the council or other legislative body thereon was arbitrary or capricious, or both; in which event the judgment of the court shall correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have



the custody of the assessment roll, and he or she shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

NEW SECTION. Sec. 5. A new section is added to chapter 57.08 RCW to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any sewer connection with any sewer of any water district, or with any sewer which is connected directly or indirectly with any sewer of any water district without having permission from the water district.

Sec. 6. RCW 57.12.015 and 1990 c 259 s 29 are each amended to read as follows:

In the event a three-member board of commissioners of any water district with any number of customers determines by resolution (~~and approves by unanimous vote of the board~~) that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board of a district with any number of customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the water district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of  
(Name and/or No. of water district) be increased from three to five members?

Yes .....

No .....

If the proposition receives a majority approval at the election the board of commissioners of the water district shall be increased to five members. In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of water commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general water district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general water district election after the appointment, at which two commissioners shall be elected for six-year terms.

**Sec. 7.** RCW 57.16.060 and 1986 c 256 s 3 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners desires to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his or her name from the petition after it has been filed with the board of water commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made

available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. The notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time, and place of the hearing before the board of water commissioners. In the case of improvements initiated by resolution, the notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing written protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board (~~before the public hearing~~) no later than ten days after the hearing, signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the water district to proceed with the improvement and creating the district must be filed, and notice to the water district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 57.16.090. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 57.16.090.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 57.16.090, the commissioners may proceed with the improvement and provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain

proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

**Sec. 8.** RCW 57.16.090 and 1988 c 202 s 53 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court, a transcript consisting of the assessment roll and the appellant's objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to the assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by the secretary of the water district commission certified by the secretary to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon the fundamentally wrong basis or a decision of the council or other legislative body thereon was arbitrary or capricious, or both; in which event the judgment of the court shall correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, who shall modify and correct such assessment roll in accordance with such decision. Appellate review of the judgment of the superior court may be sought as in other civil cases. However, the review must be sought within fifteen days after the date of the entry of the judgment of such superior court. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.12.015, 56.20.030, 56.20.080, 57.12.015, 57.16.060, and

57.16.090; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; and prescribing penalties.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 5512.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5512, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators McDonald, Moore, Rasmussen, Sellar - 4.

SENATE BILL NO. 5512, 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.

### MESSAGE FROM THE HOUSE

April 15, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5678 with the following amendments:

On page 2, beginning on line 5, strike all of section 2 and insert the following:

**Sec. 2.** RCW 1.16.050 and 1989 c 128 s 1 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state

or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the twelfth day of October shall be recognized as Columbus Day but shall not be considered a legal holiday for any purposes.

The legislature declares that the ninth day of April shall be recognized as former prisoner of war recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twenty-sixth day of January shall be recognized as Washington army and air national guard day but shall not be considered a legal holiday for any purposes.

On page 1, line 2 of the title, strike "adding a new section to chapter 1.20 RCW" and insert "amending RCW 1.16.050", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Senate Bill No. 5678.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5678, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5678, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators McDonald, Moore, Rasmussen, Sellar - 4.

SENATE BILL NO. 5678, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5834 with the following amendment:

On page 1, line 14, after "shall" insert "administer the division and", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Senate Bill No. 5834.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5834, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5834, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Owen - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5834, 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.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SENATE JOINT MEMORIAL NO. 8006 with the following amendment:

On page 1, line 5, after "Senate" insert "and the House of Representatives", and the joint memorial and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Senate Joint Memorial No. 8006.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8006, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Patterson, Rasmussen, Sellar - 4.

SENATE JOINT MEMORIAL NO. 8006, as amended by the House, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5010 with the following amendments:

On page 5, after line 8, strike all of section 3

On page 1, line 1 of the title, after "RCW 74.09.700;" strike the remainder of the title and insert "and reenacting and amending RCW 74.09.520.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5010 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5204 with the following amendment:

On page 6, strike all of line 6, and insert "(7) At the time of submission, is not in", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 5204.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5204, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5204, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator McMullen - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5204, 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.

## MESSAGE FROM THE HOUSE

April 16, 1991

## MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5667 with the following amendment:

On page 8, beginning on line 3, after "facilities or", strike the remainder of the subsection and insert "for regional support networks to contract with local hospitals to assure access for regional support network patients.", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5667.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5667, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5667, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5667, 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.

### MESSAGE FROM THE HOUSE

April 10, 1991

#### MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5672 with the following amendments:

On page 7, line 30, after "order" insert "pursuant to section 1(2) of this act or"

On page 8, line 16, after "held;" strike ")", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5672.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5672, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5672, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5672, 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.

## MESSAGE FROM THE HOUSE

April 12, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5568 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Hunger and malnutrition threaten the future of a whole generation of children in Washington. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school. The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future. Thus, the legislature finds that the state has an interest in helping families provide nutritious meals to children.

The legislature also finds that the state has an interest in helping hungry and malnourished adults obtain necessary nourishment. Adequate nourishment is necessary for physical health, and physical health is the foundation of self-sufficiency. Adequate nourishment is especially critical in the case of pregnant and lactating women, both to ensure that all mothers and babies are as healthy as possible and to minimize the costs associated with the care of low-birthweight babies.

"PART I  
WIC"

NEW SECTION. Sec. 101. The legislature finds that the special supplemental food program for women, infants, and children has proven effective in preventing infant mortality, reducing the number of undemourished children with retarded growth, reducing the incidence of delayed cognitive development and decreasing the number of low-birthweight babies. However, not all of the eligible mothers and children in this state are currently served by the program. Therefore, the legislature intends to increase the number of eligible women and children served by the program.

"PART II  
EMERGENCY FOOD ASSISTANCE PROGRAM"

NEW SECTION. Sec. 201. The legislature finds that the emergency food assistance program has been successful in defraying the costs of operating food banks and food distribution programs in the state. However, current resources are inadequate to meet the needs of the hungry and malnourished people in this state. Additional funding for the emergency food assistance program is needed to provide for the purchase, transportation, and storage of food and to support the operation of food banks, food distribution programs, and tribal voucher programs.

Additionally, many of the people who receive food from food banks have special nutritional needs that are not currently being met. These include infants and children with disabilities, pregnant and lactating women, adults with chronic diseases, people with acquired immune deficiency syndrome, people with lactose intolerance, people who have difficulty chewing, alcoholics, intravenous drug users, and people with cultural food preferences. The legislature finds that additional funds to provide special nutritional foods are necessary and that training regarding these special nutritional needs is needed for food bank staff and volunteers.

"PART III"

## FOOD STAMPS"

NEW SECTION. Sec. 301. The legislature finds that delays in receiving food stamps often drive hungry families to food banks. Expediting the issuance of food stamps to eligible applicants will ease some of the pressure on the food bank system. The legislature also finds that some of those who currently apply for the expedited issuance of food stamps are not receiving them within the five-day waiting period. Therefore, the department is directed to issue food stamps to eligible applicants within twenty-four hours of application.

NEW SECTION. Sec. 302. The department shall issue expedited food stamps to eligible recipients within twenty-four hours of application. The department shall establish an eligibility process for the expedited issuance of food stamps that conforms to federal requirements and results in the least additional workload increase to department staff.

"PART IV  
NUTRITIONAL PROGRAMS"

NEW SECTION. Sec. 401. The legislature finds that the school breakfast and lunch programs, the summer feeding program, and the child and adult day care feeding programs authorized by the United States department of agriculture are effective in addressing unmet nutritional needs. However, some communities in the state do not participate in these programs. The result is hunger, malnutrition, and inadequate nutrition education for otherwise eligible persons living in nonparticipating communities.

NEW SECTION. Sec. 402. The superintendent of public instruction shall aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in the nutrition programs authorized by the United States department of agriculture.

NEW SECTION. Sec. 403. The superintendent of public instruction shall:

(1) Provide start-up funds for school breakfast programs in those schools not qualifying as "severe need schools" as defined in chapter 239, Laws of 1989;

(2) Provide funds for school districts to start or restart school lunch programs;

(3) Provide an additional 10 cents per meal reimbursement for all meals served to children in schools. The per meal reimbursement shall be adjusted annually to reflect the cost of living using a process approved by the United States department of agriculture;

(4) Establish a marketing, promotion, education, and training program for use by all child nutrition programs;

(5) In coordination with the department of health and other organizations, develop and distribute material and provide training to help child nutrition programs comply with United States department of agriculture guidelines;

(6) In coordination with other agencies, allocate and administer national nutrition education training funds; and

(7) In coordination with other organizations, develop a media campaign to educate the public about child nutrition programs.

"PART V  
MISCELLANEOUS"

NEW SECTION. Sec. 501. Following the 1991 legislative session, the senate children and family services committee and the house of representatives human services committee shall conduct a joint interim study on:

(1) The need for nutrition programs for at-risk youth;

- (2) The nutritional needs of persons served in out-of-home care settings;
- (3) The nutritional needs of senior citizens; and
- (4) The nutritional needs of persons under the age of sixty who receive services through the long-term care system.

NEW SECTION. Sec. 502. Parts and headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 505. If specific funding for the purposes of section 101 of this act, referencing section 101 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 101 of this act shall be null and void.

NEW SECTION. Sec. 506. If specific funding for the purposes of section 201 of this act, referencing section 201 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 201 of this act shall be null and void.

NEW SECTION. Sec. 507. If specific funding for the purposes of sections 301 and 302 of this act, referencing sections 301 and 302 of this act by bill number and sections, is not provided by June 30, 1991, in the omnibus appropriations act, sections 301 and 302 of this act shall be null and void.

NEW SECTION. Sec. 508. If specific funding for the purposes of sections 402 and 403 of this act, referencing sections 402 and 403 of this act by bill number and sections, is not provided by June 30, 1991, in the omnibus appropriations act, sections 402 and 403 of this act shall be null and void.

On page 1, line 1 of the title, after "nutrition;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Roach moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5568.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5568.

The motion by Senator Roach carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5568.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5568, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5568, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 43.

Voting nay: Senators Conner, M. Kreidler, Wojahn - 3.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5568, 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.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5456 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure.

Sec. 2. RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) (a) "Faculty appointment", except as otherwise provided in subsection (2)(b) below, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in subsection (2)(a) of this section, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the state board for community college education: PROVIDED, That such "special funds" so designated by the state board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of

program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2) (a) who have been subsequently transferred to positions financed from "special funds" pursuant to subsection (2) (b) and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2) (a) depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers or tenured faculty member's peers, a student representative, and the administrative staff of the community college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers or tenured faculty member's peers.

Sec. 3. RCW 28B.50.852 and 1969 ex.s. c 283 s 34 are each amended to read as follows:

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed ~~((three consecutive regular college years))~~ nine consecutive college quarters, excluding summer quarter and approved leaves of absence: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. Upon formal recommendation of the review committee and with the written consent of the probationary faculty member, the appointing authority may extend its probationary period for one, two, or three quarters, excluding summer quarter, beyond the maximum probationary period established herein. No such extension shall be made, however, unless the review committee's recommendation is based on its belief that the probationary faculty member needs additional time to complete satisfactorily a professional improvement plan already in progress and in the committee's further belief that the probationary faculty member will complete the plan satisfactorily. At the conclusion of any such extension, the appointing authority may award tenure unless the probationary faculty member has, in the judgment of the committee, failed to complete the professional improvement plan satisfactorily.

Sec. 4. RCW 28B.50.857 and 1969 ex.s. c 283 s 37 are each amended to read as follows:

Upon the decision not to renew a probationary faculty appointment, the appointing authority shall notify the probationer of such decision as soon as possible during the regular college year: PROVIDED, That such notice may not be given ~~((subsequent to the last day of the winter quarter))~~ later than one complete quarter, except summer quarter, before the expiration of the probationary faculty appointment.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The effectiveness and performance of each tenured faculty member of a community college shall be reviewed and formally evaluated by a review committee at least once every fifteen regular college quarters in which the tenured faculty member is employed by the community college. The size, composition, and duties of the review committee defined in RCW 28B.50.851(7) may be altered for the purposes of this section with the mutual consent of the exclusive bargaining agent and the appointing authority.

(2) If, after the review conducted pursuant to subsection (1) of this section, the performance of the tenured faculty member is judged to be unsatisfactory by the review committee, the tenured faculty member may be required by the appointing authority to implement a performance improvement plan for a period of no more than three regular college quarters, not including summer quarter.

(3) If, after the three quarter period in subsection (2) of this section, the tenured faculty member's performance is deemed to be unsatisfactory by the review committee, the appointing authority may revoke tenure and return the faculty member to a probationary faculty appointment. The appointing authority shall ensure due process for tenured faculty members in the decision to return any member to a probationary faculty appointment.

(4) The provisions of subsections (2) and (3) of this section are in addition to any tenure revocation procedures established pursuant to chapter 28B.52 RCW.

(5) The procedures, criteria, and conditions implementing this section are subject to negotiations between the appointing authority and the faculty's exclusive bargaining representative.

NEW SECTION. Sec. 6. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, and shall apply to all faculty appointments made by community colleges after June 30, 1991, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1991.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "modification;" strike the remainder of the title and insert "amending RCW 28B.50.851, 28B.50.852, and 28B.50.857; adding a new section to chapter 28B.50 RCW; creating new sections; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Substitute Senate Bill No. 5456.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5456, as amended by the House.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5456, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams - 34.

Voting nay: Senators Conner, Gaspard, M. Kreidler, Madsen, Murray, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Wojahn - 12.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5456, 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.

## MESSAGE FROM THE HOUSE

April 9, 1991

## MR. PRESIDENT:

The House has passed SENATE BILL NO. 5075 with the following amendment:

On page 2, line 12, after "officials;" strike all material through "(j)" on line 13, and insert:

"(j) One member appointed by the institute for real estate management who has lived in a condominium for at least the last five years prior to the appointment and who has served on a condominium association board; and

(k)", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Senate Bill No. 5075.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5075, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5075, 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.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5148 with the following amendment:

On page 38, beginning on line 11 and continuing through line 20, strike all of Sec. 42.

Renumber the remaining sections consecutively and correct internal references accordingly., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Senate Bill No. 5148.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5148, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5148, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5148, 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.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5256 with the following amendments:

On page 27, line 6, after "is" strike "fifty" and insert "one hundred"

On page 27, line 7, after "and" strike "fifty" and insert "one hundred"

On page 26, line 26, strike "five" and insert "~~((five))~~ six", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5256.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5256, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5256, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators M. Kreidler, Murray, Niemi, Rinehart, Skratek, A. Smith, Vognild - 7.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5256, 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.

### MESSAGE FROM THE HOUSE

April 11, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5363 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. "EARNINGS," "DISPOSABLE EARNINGS," AND "OBLIGEE" DEFINED. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, hours, or otherwise, and notwithstanding any other provision of law making such payments exempt from garnishment, attachment, or other process to satisfy court-ordered legal financial obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type. Earnings shall specifically include all gain derived from capital, from labor, or from both, not including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld. The term "obligee" means the department, party, or entity to whom the legal financial

obligation is owed, or the department, party, or entity to whom the right to receive or collect support has been assigned.

Sec. 2. RCW 9.94A.145 and 1989 c 252 s 3 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs~~((+))~~, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

~~((+))~~ (5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

((4)) (6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

((5)) (7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

((6)) (8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

((7)) (9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

((8)) (10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition ~~((and term of community supervision))~~ or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

((9)) (11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with ~~((written))~~ notice of payments by such offenders no less frequently than weekly.

**NEW SECTION. Sec. 3. LEGAL FINANCIAL OBLIGATION--NOTICE OF PAYROLL DEDUCTION--ISSUANCE AND CONTENT.** (1) The department may issue a notice of payroll deduction in a criminal action if:

(a) The court at sentencing orders its immediate issuance; or

(b) The offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month, provided:

(i) The judgment and sentence or subsequent order to pay contains a statement that a notice of payroll deduction may be issued without further notice to the offender; or

(ii) The department has served a notice on the offender stating such requirements and authorization. Service of such notice shall be made by personal service or any form of mail requiring a return receipt.

(2) The notice of payroll deduction is to be in writing and include:

(a) The name, social security number, and identifying court case number of the offender/employee;

(b) The amount to be deducted from the offender/employee's disposable earnings each month, or alternative amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld on all payroll deduction notices for payment of court-ordered legal financial obligations combined shall not exceed twenty-five percent of the offender/employee's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(3) An informational copy of the notice of payroll deduction shall be mailed to the offender's last known address by regular mail or shall be personally served.

(4) Neither the department nor any agents of the department shall be held liable for actions taken under RCW 9.94A.145 and sections 1 and 3 through 11 of this act.

**NEW SECTION. Sec. 4. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF PAYROLL DEDUCTION--AMOUNTS TO BE WITHHELD.** (1) The total amount to be withheld from the offender/employee's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the offender.

(2) If the offender is subject to two or more notices of payroll deduction for payment of a court-ordered legal financial obligation from different obligees, the employer or entity shall, if the nonexempt portion of the offender's earnings is not sufficient to respond fully to all notices of payroll deduction, apportion the offender's nonexempt disposable earnings between or among the various obligees equally.

**NEW SECTION. Sec. 5. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF PAYROLL DEDUCTION--EMPLOYER OR ENTITY RESPONSIBILITIES.** (1) An employer or entity upon whom a notice of payroll deduction is served, shall make an answer to the department within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the offender is employed by or receives earnings from the employer or entity, whether the employer or entity anticipates paying earnings, and the amount of earnings. If the offender is no longer employed, or receiving earnings from the employer or entity, the answer shall state the present employer or entity's name and address, if known.

(2) Service of a notice of payroll deduction upon an employer or entity requires an employer or entity to immediately make a mandatory payroll deduction from the offender/employee's unpaid disposable earnings. The employer or entity shall thereafter at each pay period deduct the amount stated in the notice divided by the number of pay periods per month. The employer or entity must remit the proper amounts to the appropriate clerk of the court on each date the offender/employee is due to be paid.

(3) The employer or entity may combine amounts withheld from the earnings of more than one employee in a single payment to the clerk of the court, listing separately the amount of the payment that is attributable to each individual employee.

(4) The employer or entity may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed:

(a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and

(b) One dollar for each subsequent disbursement made under the notice of payroll deduction.

(5) The notice of payroll deduction shall remain in effect until released by the department or the court enters an order terminating the notice.

(6) An employer shall be liable to the obligee for the amount of court-ordered legal financial obligation moneys that should have been withheld from the offender/employee's earnings, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; or

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served. In such cases, liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, reasonable attorney fees, and staff costs as part of the award.

(7) No employer who complies with a notice of payroll deduction under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

**NEW SECTION. Sec. 6. MOTION TO QUASH, MODIFY, OR TERMINATE PAYROLL DEDUCTION--GROUNDS FOR RELIEF.** (1) The offender subject to a payroll deduction under this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief if:

(a) It is demonstrated that the payroll deduction causes extreme hardship or substantial injustice; or

(b) In cases where the court did not immediately order the issuance of a notice of payroll deduction at sentencing, that a court-ordered legal financial obligation payment was not more than thirty days past due in an amount equal to or greater than the amount payable for one month.

(2) Satisfaction by the offender of all past-due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the offender's payment towards a court-ordered legal financial obligation is current, upon motion of the offender, the court may order the department to terminate the payroll deduction, unless the department can show good cause as to why the notice of payroll deduction should remain in effect.

**NEW SECTION. Sec. 7. LEGAL FINANCIAL OBLIGATIONS--ORDER TO WITHHOLD AND DELIVER--ISSUE AND CONTENTS.** (1) The department may issue to any person or entity an order to withhold and deliver property of any kind, including but not restricted to, earnings that are due, owing, or belonging to the offender, if the department has reason to believe that there is in the possession of such person or entity, property that is due, owing, or belonging to the offender. Such order to withhold and deliver may be issued when a court-ordered legal financial obligation payment is past due:

(a) If an offender's judgment and sentence or a subsequent order to pay includes a statement that other income-withholding action under this chapter may be taken without further notice to the offender.

(b) If a judgment and sentence or a subsequent order to pay does not include the statement that other income-withholding action under this chapter may be taken without further notice to the offender but the department has served a notice on the offender stating such requirements and authorizations. The service shall have been made by personal service or any form of mail requiring a return receipt.

(2) The order to withhold and deliver shall:

(a) Include the amount of the court-ordered legal financial obligation;

(b) Contain a summary of moneys that may be exempt from the order to withhold and deliver and a summary of the civil liability upon failure to comply with the order; and

(c) Be served by personal service or by any form of mail requiring a return receipt.

(3) The department shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by any form of mail requiring a return receipt, a copy of the order to withhold and deliver to the offender at the

offender's last known post office address, or, in the alternative, a copy of the order shall be personally served on the offender on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with an explanation of the right to petition for judicial review. If the copy is not mailed or served as this section provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the offender promptly made and supported by affidavit showing that the offender has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver.

**NEW SECTION. Sec. 8. LEGAL FINANCIAL OBLIGATIONS--ORDER TO WITHHOLD AND DELIVER--DUTIES OF PERSON OR ENTITY SERVED.** (1) A person or entity upon whom service has been made is hereby required to:

(a) Answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the order; and

(b) Provide further and additional answers when requested by the department.

(2) Any person or entity in possession of any property that may be subject to the order to withhold and deliver shall:

(a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver;

(ii) Deliver the property to the appropriate clerk of the court as soon as the twenty-day answer period expires;

(iii) Continue to withhold earnings payable to the offender at each succeeding disbursement interval and deliver amounts withheld from earnings to the appropriate clerk of the court within ten days of the date earnings are payable to the offender;

(iv) Inform the department of the date the amounts were withheld as requested under this section; or

(b) Furnish the appropriate clerk of the court a good and sufficient bond, satisfactory to the clerk, conditioned upon final determination of liability.

(3) Where money is due and owing under any contract of employment, expressed or implied, or is held by any person or entity subject to withdrawal by the offender, the money shall be delivered by remittance payable to the order of the appropriate clerk of the court.

(4) Delivery to the appropriate clerk of the court of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver.

(5) The person or entity required to withhold and deliver the earnings of a debtor under this action may deduct a processing fee from the remainder of the offender's earnings, even if the remainder would otherwise be exempt under section 11 of this act. The processing fee may not exceed:

(a) Ten dollars for the first disbursement to the appropriate clerk of the court; and

(b) One dollar for each subsequent disbursement.

(6) A person or entity shall be liable to the obligee in an amount equal to one hundred percent of the value of the court-ordered legal financial obligation that is the basis of the order to withhold and deliver, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorneys' fees if that person or entity fails or refuses to deliver property under the order.

The department is authorized to issue a notice of debt pursuant to and to take appropriate action to collect the debt under this chapter if a judgment has been entered as the result of an action by the court against a person or entity based on a violation of this section.



(7) Persons or entities delivering money or property to the appropriate clerk of the court under this chapter shall not be held liable for wrongful delivery.

(8) Persons or entities withholding money or property under this chapter shall not be held liable for wrongful withholding.

**NEW SECTION. Sec. 9. LEGAL FINANCIAL OBLIGATIONS--BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS--SERVICE ON MAIN OFFICE OR BRANCH, EFFECT--COLLECTION ACTIONS AGAINST COMMUNITY BANK ACCOUNT, RIGHT TO COURT HEARING.** An order to withhold and deliver or any other income-withholding action authorized by this chapter may be served on the main office of a bank, savings and loan association, or credit union or on a branch office of the financial institution. Service on the main office shall be effective to attach the deposits of an offender in the financial institution and compensation payable for personal services due the offender from the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, or other personal property of the offender, excluding compensation payable for personal services, in the possession or control of the particular branch served.

Notwithstanding any other provision of this act, if the department initiates collection action against a joint bank account, with or without the right of survivorship, or any other funds which are subject to the community property laws of this state, notice shall be given to all affected parties that the account or funds are subject to potential withholding. Such notice shall be by first class mail, return receipt required, or by personal service and be given at least twenty calendar days before withholding is made. Upon receipt of such notice, the nonobligated person shall have ten calendar days to file a petition with the department contesting the withholding of his or her interest in the account or funds. The department shall provide notice of the right of the filing of the petition with the notice provided in this paragraph. If the petition is not filed within the period provided for herein, the department is authorized to proceed with the collection action.

**NEW SECTION. Sec. 10. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF DEBT--SERVICE OR MAILING--CONTENTS--ACTION ON, WHEN.** (1) The department may issue a notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver.

(2) The notice of debt may be personally served upon the offender or be mailed to the offender at his or her last known address by any form of mail requiring a return receipt, demanding payment within twenty days of the date of receipt.

(3) The notice of debt shall include:

(a) A statement of the total court-ordered legal financial obligation and the amount to be paid each month.

(b) A statement that earnings are subject to a notice of payroll deduction.

(c) A statement that earnings or property, or both, are subject to an order to withhold and deliver.

(d) A statement that the net proceeds will be applied to the satisfaction of the court-ordered legal financial obligation.

(4) Action to collect a court-ordered legal financial obligation by notice of payroll deduction or an order to withhold and deliver shall be lawful after twenty days from the date of service upon the offender or twenty days from the receipt or refusal by the offender of the notice of debt.

(5) The notice of debt will take effect only if the offender's monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owned.

(6) The department shall not be required to issue or serve the notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver if either the

offender's judgment and sentence or a subsequent order to pay includes a statement that income-withholding action under this chapter may be taken without further notice to the offender.

**NEW SECTION. Sec. 11. LEGAL FINANCIAL OBLIGATIONS--CERTAIN AMOUNT OF EARNINGS EXEMPT FROM NOTICE OF PAYROLL DEDUCTION OR ORDER TO WITHHOLD AND DELIVER.** Whenever a notice of payroll deduction or order to withhold and deliver is served upon a person or entity asserting a court-ordered legal financial obligation debt against earnings and there is in the possession of the person or entity any of the earnings, RCW 6.27.150 shall not apply, but seventy-five percent of the disposable earnings shall be exempt and may be disbursed to the offender whether such earnings are paid, or to be paid weekly, monthly, or at other intervals and whether there is due the offender earnings for one week or for a longer period. The notice of payroll deduction or order to withhold and deliver shall continue to operate and require said person or entity to withhold the nonexempt portion of earnings, at each succeeding earnings disbursement interval until the entire amount of the court-ordered legal financial obligation debt has been withheld.

**NEW SECTION. Sec. 12.** Captions as used in this act constitute no part of the law.

**NEW SECTION. Sec. 13.** Sections 1 and 3 through 11 of this act are each added to chapter 9.94A RCW.

**NEW SECTION. Sec. 14.** The code reviser shall codify sections 1 and 3 through 11 of this act between RCW 9.94A.200 and 9.94A.2001.

**NEW SECTION. Sec. 15.** The provisions of this act are retroactive and apply to any actions commenced but not final before the effective date of this act.

**NEW SECTION. Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.145; adding new sections to chapter 9.94A RCW; creating new sections; prescribing penalties; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5363.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5363, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5363 as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator McMullen - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5363, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5466 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner is not liable to a person who was injured through the use of the product, based on a claim of the following:

(a) Strict liability in tort; or

(b) Implied warranty provisions under the uniform commercial code Title 62 RCW.

(2) The limitation on pharmacist's liability as provided in subsection (1) of this section shall only apply if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules.

(3) A pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer issued by a licensed practitioner is liable to the claimant only if the claimant's harm was proximately caused by (a) the negligence of the pharmacist; (b) breach of an express warranty made by the pharmacist; or (c) the intentional misrepresentation of facts about the product by the pharmacist or the intentional concealment of information about the product by the pharmacist. A pharmacist shall not be liable for the product manufacturer's liability except as provided in RCW 7.72.040.

Sec. 2. RCW 7.72.040 and 1981 c 27 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a product seller other than a manufacturer is liable to the claimant only if the claimant's harm was proximately caused by:

(a) The negligence of such product seller; or

(b) Breach of an express warranty made by such product seller; or

(c) The intentional misrepresentation of facts about the product by such product seller or the intentional concealment of information about the product by such product seller.

(2) A product seller, other than a manufacturer, shall have the liability of a manufacturer to the claimant if:

(a) No solvent manufacturer who would be liable to the claimant is subject to service of process under the laws of the claimant's domicile or the state of Washington; or

(b) The court determines that it is highly probable that the claimant would be unable to enforce a judgment against any manufacturer; or

(c) The product seller is a controlled subsidiary of a manufacturer, or the manufacturer is a controlled subsidiary of the product seller; or

(d) The product seller provided the plans or specifications for the manufacture or preparation of the product and such plans or specifications were a proximate cause of the defect in the product; or

(e) The product was marketed under a trade name or brand name of the product seller.

(3) Subsection (2) of this section does not apply to a pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules.

Sec. 3. RCW 7.72.010 and 1981 c 27 s 2 are each amended to read as follows:

For the purposes of this chapter, unless the context clearly indicates to the contrary:

(1) Product seller. "Product seller" means any person or entity that is engaged in the business of selling products, whether the sale is for resale, or for use or consumption. The term includes a manufacturer, wholesaler, distributor, or retailer of the relevant product. The term also includes a party who is in the business of leasing or bailing such products. The term "product seller" does not include:

(a) A seller of real property, unless that person is engaged in the mass production and sale of standardized dwellings or is otherwise a product seller;

(b) A provider of professional services who utilizes or sells products within the legally authorized scope of the professional practice of the provider;

(c) A commercial seller of used products who resells a product after use by a consumer or other product user: PROVIDED, That when it is resold, the used product is in essentially the same condition as when it was acquired for resale; ~~((and))~~

(d) A finance lessor who is not otherwise a product seller. A "finance lessor" is one who acts in a financial capacity, who is not a manufacturer, wholesaler, distributor, or retailer, and who leases a product without having a reasonable opportunity to inspect and discover defects in the product, under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(e) A licensed pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed prescribing practitioner if the claim against the pharmacist is based upon strict liability in tort or the implied warranty provisions under the uniform commercial code, Title 62A RCW, and if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules as provided in section 2 of this act. Nothing in this subsection (1)(e) affects a pharmacist's liability under RCW 7.72.040(1).

(2) Manufacturer. "Manufacturer" includes a product seller who designs, produces, makes, fabricates, constructs, or remanufactures the relevant product or component part of a product before its sale to a user or consumer. The term also includes a product seller or entity not otherwise a manufacturer that holds itself out as a manufacturer.

A product seller acting primarily as a wholesaler, distributor, or retailer of a product may be a "manufacturer" but only to the extent that it designs, produces, makes, fabricates, constructs, or remanufactures the product for its sale. A product seller who performs minor assembly of a product in accordance with the instructions of the manufacturer shall not be deemed a manufacturer. A product seller that did not participate in the design of a product and that constructed the product in accordance with the design specifications of the claimant or another product seller shall not be deemed a manufacturer for the purposes of RCW 7.72.030(1)(a).

(3) Product. "Product" means any object possessing intrinsic value, capable of delivery either as an assembled whole or as a component part or parts, and produced

for introduction into trade or commerce. Human tissue and organs, including human blood and its components, are excluded from this term.

The "relevant product" under this chapter is that product or its component part or parts, which gave rise to the product liability claim.

(4) Product liability claim. "Product liability claim" includes any claim or action brought for harm caused by the manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage or labeling of the relevant product. It includes, but is not limited to, any claim or action previously based on: Strict liability in tort; negligence; breach of express or implied warranty; breach of, or failure to, discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation, concealment, or nondisclosure, whether negligent or innocent; or other claim or action previously based on any other substantive legal theory except fraud, intentionally caused harm or a claim or action under the consumer protection act, chapter 19.86 RCW.

(5) Claimant. "Claimant" means a person or entity asserting a product liability claim, including a wrongful death action, and, if the claim is asserted through or on behalf of an estate, the term includes claimant's decedent. "Claimant" includes any person or entity that suffers harm. A claim may be asserted under this chapter even though the claimant did not buy the product from, or enter into any contractual relationship with, the product seller.

(6) Harm. "Harm" includes any damages recognized by the courts of this state: PROVIDED, That the term "harm" does not include direct or consequential economic loss under Title 62A RCW.

On page 1, line 3 of the title, after "62A RCW;" strike the remainder of the title and insert "amending RCW 7.72.040 and 7.72.010; and adding a new section to chapter 18.64 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5466.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5466, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5466, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5466, 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.

President Pro Tempore Craswell assumed the Chair.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5629 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These actions substantially disrupt or damage research and result in the potential loss of physical and intellectual property. Therefore, it is in the interest of the people of the state of Washington to protect the welfare of humans and animals, as well as the productive use of private or public funds, to promote and protect scientific and medical research, foster education, and preserve and enhance agricultural production.

NEW SECTION. Sec. 2. A new section is added to chapter 9.08 RCW to read as follows:

A person is guilty of a class C felony: If he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort of (a) taking, releasing, destroying, contaminating, or damaging any animal or animals kept in a research or educational facility, where the animal or animals are used or to be used for medical research or other research purposes, or for educational purposes; or (b) destroying or damaging any records, equipment, research product, or other thing pertaining to such animal or animals.

(2) Any person or organization that plans or participates in, or assists in the development or execution of a plan to commit an intentional tort covered by subsection (1) of this section shall be liable for damages to the same extent as those who execute the plan, regardless of whether the intentional tort is carried out as planned.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort of taking, releasing, destroying or damaging any animal or animals kept by a farmer for farm purposes or by a veterinarian for veterinary purposes; or of destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals.

(2) Any person or organization that plans or participates in, or assists in the development or execution of a plan to commit an intentional tort covered by subsection (1) of this section shall be liable for damages to the same extent as those who execute the plan, regardless of whether the intentional tort is carried out as planned.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

Any individual having reason to believe that he or she may be injured by the commission of an intentional tort under section 3 or 4 of this act may apply for injunctive relief to prevent the occurrence of the tort. Any individual who owns or is employed at a research or educational facility or an agricultural production facility where animals are used for research, educational, or agricultural purposes who is harassed, or believes that he or she is about to be harassed, by an organization, person, or persons whose intent is to stop or modify the facility's use or uses of an animal or animals, may apply for injunctive relief to prevent the harassment. Harassment, for purposes of this section, means any threat, without lawful authority, which the recipient has good reason to fear will be carried out and which would cause injury to the person or property of the recipient, result in the recipient's physical confinement or restraint, or maliciously do any other act intended to substantially cause harm to the recipient's mental health or safety.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 9.08 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties; and declaring an emergency."

On page 2 of the committee amendment, strike lines 19 through 23 and insert:

"(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection."

On page 3 of the committee amendment, strike lines 9 through 13 and insert:

"(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of

the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection."

On page 4 of the committee amendment, line 3, after "out" strike all material through "safety." on line 7 and insert: ", which is knowingly made for the purpose of stopping or modifying the use of animals, and which either (1) would cause injury to the person or property of the recipient, or result in the recipient's physical confinement or restraint, or (2) is a malicious threat to do any other act intended to substantially cause harm to the recipient's mental health or safety. In deciding a request for injunctive relief under this section, the court shall give full consideration to the constitutional rights of persons to speak freely, to picket, and to conduct other lawful protest activities.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5629 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5770 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that the state is facing an energy shortage as growth occurs and that inadequate supplies of energy will cause harmful impacts on the entire range of state citizens. The legislature further finds that energy efficiency improvement is the single most effective near term measure to lessen the risk of energy shortage. In the area of electricity, the legislature additionally finds that the Northwest power planning council has made several recommendations, including an update of the commercial building energy code and granting flexible ratemaking alternatives for utility commissions to encourage prudent acquisition of new electric resources.

**Sec. 2.** RCW 80.04.250 and 1961 c 14 s 80.04.250 are each amended to read as follows:

The commission shall have power upon complaint or upon its own motion to ascertain and determine the fair value for rate making purposes of the property of any public service company used and useful for service in this state and shall exercise such power whenever it shall deem such valuation or determination necessary or proper under any of the provisions of this title. In determining what property is used and useful for service, the commission may include the reasonable costs of construction work in progress to the extent that the commission finds that inclusion is in the public interest.

The commission shall have the power to make revaluations of the property of any public service company from time to time.

The commission shall, before any hearing is had, notify the complainants and the public service company concerned of the time and place of such hearing by giving at least thirty days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of ascertaining the value of the company's



property, used and useful as aforesaid, which notice shall be sufficient to authorize the commission to inquire into and pass upon the matters designated in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote. Substantial amendments to the code shall be adopted no more frequently than every three years.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "generation;" strike the remainder of the title and insert "amending RCW 80.04.250; adding a new section to chapter 19.27A RCW; and creating a new section."

On page 1, line 26, after "for" insert "providing electric, gas, or water", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Thorsness moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5770.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Thorsness to concur in the House amendments to Engrossed Substitute Senate Bill No. 5770.

The motion by Senator Thorsness carried on a rising vote and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5770.

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. 5770, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Erwin, Gaspard, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, West - 30.

Voting nay: Senators Bauer, Conner, Craswell, Hansen, M. Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 16.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, 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.

## MOTION

At 3:01 p.m., on motion of Senator Newhouse, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:44 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the Message from the House on Senate Bill No. 5477 and the pending motion by Senator Roach to not concur in the House amendments, deferred April 20, 1991.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate do not concur in the House amendments to Senate Bill No. 5477.

The motion by Senator Roach carried and the Senate refuses to concur in the House amendments to Senate Bill No. 5477 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5458 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends within available resources to assure quality human services to enhance the lives of deaf and hard of hearing people throughout the state by providing:

(1) Communication accessibility through interpreters and other information services;

(2) Quality human services for deaf and hard of hearing citizens;

(3) Coordination among private and public agencies, the office of deaf services, regions, and the deaf community; and

(4) Training and consultative services to public and private agencies.

NEW SECTION. Sec. 2. The following definitions apply throughout sections 1 through 6 of this act:

"Deaf person" means a person with severe or complete absence of auditory sensitivity whose primary effective receptive communication mode is visual or tactile or both.

"Hard of hearing person" means a person with some absence of auditory sensitivity who has residual hearing that may be sufficient to produce linguistic information through audition with or without amplification under favorable listening conditions, or a person with other auditory handicapping conditions.

"Department" means the department of social and health services.

"Office" means the office of deaf services within the department of social and health services.

"Secretary" means the secretary of the department of social and health services.

"Region" means one of five geographical areas comprised of adjoining counties within the state.

"Regional advisory committee" means a group of persons who are deaf, hard of hearing, or advocates and, by appointment or vote, are delegated to represent the interest of the deaf community within a region.

"State advisory committee" means the advising committee for state programs for the deaf.

"Regional service center" means a community-based center located within a region that provides service delivery to deaf and hard of hearing individuals.

NEW SECTION. Sec. 3. (1) The state advisory committee for the state programs for the deaf shall consist of one representative of the office of deaf services, one representative of each regional service center, two representatives of each regional advisory committee, and other members as designated by the secretary, who by appointment or vote are delegated to represent in the development of programs the interests of the regional advisory committee, the office of deaf services, and the regional service centers. Members of the state advisory committee shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The state advisory committee shall meet quarterly to discuss and monitor the programs and activities of the regional service centers. The committee shall quarterly report its findings along with recommendations to the department through the office of deaf services.

NEW SECTION. Sec. 4. (1) A regional service center shall be established within each of the following regions:

"Region I" includes the counties of Okanogan, Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Columbia, Garfield, and Asotin.

"Region II" includes the counties of Chelan, Douglas, Grant, Kittitas, Yakima, Benton, Franklin, Klickitat, and Walla.

"Region III and IV" includes the counties of King, Jefferson, Clallam, Snohomish, Skagit, Whatcom, Island, and San Juan.

"Region V" includes the counties of Pierce, Thurston, Mason, Grays Harbor, and Kitsap.

"Region VI" includes the counties of Lewis, Wahkiakum, Cowlitz, Clark, Skamania, and Pacific.

(2) Regional service centers shall meet criteria established by the office of deaf services and hold articles of incorporation for nonprofit organizations established by the secretary of state.

(3) Regional service centers shall establish advisory committees for each region to meet regularly. Members of the regional advisory committee must be voting members of the board of directors of the regional service centers.

NEW SECTION. Sec. 5. The office in consultation with the state advisory committee shall recommend programs to regional service centers, and ensure, through direct services or contractual means, that regional service centers provide baseline programs in the areas of individual and family counseling, interpreter services, and vocational rehabilitation. Additional programs can be maintained or established by regional service centers in consultation with their regional advisory committees. The office shall establish criteria for and award contracts to qualified regional service centers representing the deaf and hard of hearing population within each region.

NEW SECTION. Sec. 6. A regional service center is prohibited from performing activities that are regulated under chapter 18.35 RCW. A regional service center shall provide, upon request, a deaf person or hard of hearing person with a list of persons in the geographic area of the center licensed under chapter 18.35 RCW to provide services regulated under chapter 18.35 RCW. The deaf person or hard of hearing person may voluntarily select any person from the list to perform the services. A regional service center may in no manner recommend or refer one person on the list over another person on the list.

NEW SECTION. Sec. 7. The taxes imposed in sections 8 through 10 of this act are intended to provide a funding source for the purposes of deaf centers and other deaf programs.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in business as a manufacturer an additional tax equal to the value of audio tapes, audio records, and audio compact disks manufactured multiplied by the rate of four-tenths of one percent.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in the business of making sales at wholesale an additional tax equal to the gross proceeds of sales of audio tapes, audio records, and audio compact disks multiplied by the rate of four-tenths of one percent.

NEW SECTION. Sec. 10. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in the business of making sales at retail an additional tax equal to the gross proceeds of sales of audio tapes, audio records, and audio compact disks multiplied by the rate of four-tenths of one percent.

Sec. 11. RCW 43.20A.360 and 1989 1st ex.s. c 9 s 214 and 1989 c 11 s 14 are each reenacted and amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (a) Health facilities; (b) children and youth services; (c) blind services; (d) medical and health care; (e) deaf services; (f) drug abuse and alcoholism; (~~((f))~~) (g) social services; (~~((g))~~) (h) economic services; (~~((h))~~) (i) vocational services; (~~((i))~~) (j) rehabilitative services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation and appropriate geographical representation. Such committees

or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

NEW SECTION. **Sec. 12.** The sum of one million seven hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1993, to carry out the purposes of this act. The appropriation shall be distributed to the regions based upon their need and taking into consideration the availability of other state and local funding sources.

NEW SECTION. **Sec. 13.** Sections 1 through 6 of this act are each added to chapter 43.20A RCW.

NEW SECTION. **Sec. 14.** This act is null and void unless by June 30, 1991, taxes providing revenue for the purposes of this act are contained in this act or in another act referencing this act specifically by bill number.

NEW SECTION. **Sec. 15.** Section 12 of this act is null and void if by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium provides specific funding for this act, referencing this act by bill number.

On page 1, line 1 of the title, after "deaf;" strike the remainder of the title and insert "reenacting and amending RCW 43.20A.360; adding new sections to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating new sections; and making an appropriation.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5458 and asks the House to recede therefrom.

Debate ensued.

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. 5458.

The motion by Senator Newhouse carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5458 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5475 with the following amendments:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) "Commission" or "board" shall mean the higher education coordinating board.

**Sec. 2.** RCW 28B.12.030 and 1974 ex.s. c 177 s 3 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "needy student" shall mean a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the commission on higher education, demonstrates a financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "eligible institution" shall mean any post-secondary institution in this state accredited by the Northwest Association of Secondary and Higher Schools or any public vocational-technical school in the state or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

**Sec. 3.** RCW 28B.102.020 and 1987 c 437 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

**Sec. 4.** RCW 28B.104.020 and 1989 1st ex.s. c 9 s 206 and 1989 c 115 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders nursing service as a nurse serving in a nurse shortage area, as defined by the state department of health.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, college, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure as a licensed practical nurse, or to a program leading to an associate, baccalaureate, or higher degree in nursing or continues satisfactory progress within the program; and has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area" means those areas where nurses are in short supply as a result of geographic maldistribution; or specialty areas of nursing, such as geriatrics or critical care, where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The state department of health shall determine nurse shortage areas in the state guided by federal standards of "health manpower shortage areas."

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

Sec. 5. RCW 28B.108.010 and 1990 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian student as defined by the board in consultation with the advisory committee described in RCW 28B.108.030, who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. 6. RCW 28B.10.420 and 1979 c 14 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday if their seventieth birthday occurs on or before June 30, 1991. There shall be no mandatory retirement on condition of age for faculty or other designated employees after July 1, 1991.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the state board for community college education may reemploy any person who is "retired" pursuant to (~~subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970~~) this chapter. The following provisions shall govern such reemployment:

(a) (~~Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.~~

(~~b~~)) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(~~c~~)) ~~No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.~~

(~~d~~)) (b) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(~~e~~)) (c) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.



NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

By October 31, 1991, each institution of higher education as defined in RCW 28B.10.016 shall use an existing committee or convene a physical access committee to identify barriers to physical access on each of the institution's campuses. The committee shall include, but is not limited to: One or more students with disabilities, one or more members of the faculty and staff with disabilities, the institution's coordinator of disabled student services, administrators, physical plant staff, and others as appropriate.

The committee shall present its findings and recommendations to the institution's administration. Beginning with the 1993-95 capital budget request, each institution shall incorporate into its capital budget process, efforts to substantially reduce and eventually eliminate physical barriers to access.

NEW SECTION. Sec. 8. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.802, 28B.12.030, 28B.102.020, 28B.108.010, and 28B.10.420; reenacting and amending RCW 28B.104.020; adding a new section to chapter 28B.10 RCW; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Saling, the Senate refuses to concur in the House amendments to Senate Bill No. 5475 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5824 with the following amendments:

On page 2, beginning on line 8, strike all of subsection (2) and insert the following,

"(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act."

On page 1, beginning on line 18, strike all of subsection 2(c) and insert the following:

"(c) Any community college that in 1990-91 has excess enrollment above the authorized variance, by means of enrollments that otherwise would have been eligible for state funding, shall not increase its excess enrollment above the 1990-91 level. The community college need not reduce such excess enrollments until additional state-funded enrollments are allocated to the college, at which time, each additional state-funded enrollment shall replace one excess enrollment, until excess enrollments are within the authorized variance.

On page 2, line 2 after "(d)" strike "Should" and insert "Except as permitted by subsection (2)(c) of this section, should", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Saling, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5824 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5202 with the following amendment:

On page 5, after line 21 insert a section to read as follows:

NEW SECTION. Sec. 1. A new section is added to chapter 4.56 RCW to read as follows:

The superior court may issue partial summary judgment in a civil action for damages. The court may enter partial summary judgment and award damages to a party who has incurred the damages if no material issue of fact exists regarding any of the following: (1) The causation for those damages, (2) the liability of another party for those damages, and (3) the amount of those damages.

Renumber the remaining sections accordingly., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Nelson moved that the Senate do not concur in the House amendment to Substitute Senate Bill No. 5202 and asks the House to recede therefrom.

## POINT OF ORDER

Senator Nelson: "Mr. President, I would rise to a point of order. I would ask the President to rule on the scope and object on the House amendment to Substitute Senate Bill No. 5202."

## MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5202 was deferred.

## MESSAGE FROM THE HOUSE

April 19, 1991

## MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5266 with the following amendments:

On page 15, after line 27, insert the following:

NEW SECTION. Sec. 12. A new section is added to chapter 46.16 RCW to read as follows:

(1) A motor vehicle owned and operated by a person whose driver's license is in a suspended or revoked status or whose privilege to operate a motor vehicle is suspended or revoked in this or any other state is subject to seizure and forfeiture and no property right exists in the vehicle except as follows:

(a) No vehicle used by a person as a common carrier in the transaction of business as a common carrier is subject to seizure and forfeiture under this section unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to a violation of this section;

(b) No vehicle is subject to seizure and forfeiture under this section by reason of an act or omission established by the owner of the vehicle to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of a vehicle 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

(d) When the owner of a vehicle has been arrested under this chapter the vehicle in which the person is arrested is not subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(2) A vehicle subject to forfeiture under this section may be seized by a law enforcement officer of this state upon process issued by a superior court having jurisdiction over the vehicle. Seizure of a vehicle without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The vehicle 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 section;

(c) A law enforcement officer has probable cause to believe that the vehicle is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the vehicle was used or is intended to be used in violation of this section.

(3) In the event of seizure under subsection (2) of this section, proceedings for forfeiture are 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 vehicle seized and the person in charge of

it and any person having any known right or interest in it, including any community property interest, of the seizure and intended forfeiture of the seized vehicle. The notice of seizure 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 is complete upon mailing within the fifteen-day period after the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the person or persons shall be given 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. A person asserting a claim or right may remove the matter to a court of competent jurisdiction if the value of the vehicle involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when the value is ten thousand dollars or less. A hearing before the seizing agency and any appeal from the decision shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this section the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release the vehicle to the agency for the exclusive use of enforcing this title;

(b) (i) Sell the vehicle, in which case the proceeds shall be used for payment of all proper expenses of the investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, storage, 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) Seventy-five percent shall be deposited in the general fund of the state, county, or city of the seizing law enforcement agency;

(B) Twenty-five percent shall be remitted to the state treasurer for deposit in the highway safety fund established in RCW 46.68.060;

(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; or

(c) Request the appropriate sheriff or director of public safety to take custody of the vehicle and remove it for disposition in accordance with law.

On page 1, line 3 of the title, after "46.20.342;" insert "adding a new section to chapter 46.16 RCW;"; and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5266 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5418 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The task force on sentencing of adult criminal offenders is created.

(1) The task force shall have fourteen members.

(a) The governor shall appoint two members.

(b) The speaker of the house of representatives shall appoint six members, which shall include two members, one from each political party, from each of the following:

(i) The house judiciary committee;

(ii) The house human services committee; and

(iii) Either the house capital facilities and financing committee or the house appropriations committee, or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.

(c) The president of the senate shall appoint six members, which shall include two members, one from each political party, from each of the following standing committees:

(i) Senate law and justice;

(ii) Senate children and family services; and

(iii) Senate ways and means.

(2) The members of the task force shall select a chair or cochair from among the membership of the task force.

(3) Staff for the task force shall be provided by the senate, the house of representatives, and the office of financial management.

(4) The objectives of the task force are to:

(a) Determine whether the articulated purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes are appropriate;

(b) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010 are being achieved;

(c) Determine the extent to which alternatives to total confinement are being used for adult felons and to make recommendations to ensure that those alternatives are ordered when appropriate; and

(d) Determine whether an expansion of the court's sentencing options would help achieve the purposes of the sentencing reform act.

(5) The task force shall consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

(6) The task force shall report to the appropriate standing committees of the legislature and to the governor not later than December 15, 1992.

(7) The task force shall cease to exist on January 1, 1993.

**NEW SECTION. Sec. 2.** The Washington Institute for Public Policy shall, within available funds, conduct a study or cause a study to be conducted of the problem of police harassment of, and brutality toward, residents of the state. The Institute shall gather data from local law enforcement departments from 1981 to the present to determine the number and types of complaints against law enforcement personnel, whether the department investigated the complaint, and the result of the investigation. The Institute shall also propose options for guidelines for the creation of citizen review panels in local jurisdictions to receive and investigate complaints of police harassment and brutality. The Institute shall also propose options for additional civil remedies for the victims of police harassment or brutality. The Institute shall report to the Legislature regarding its findings and options for legislative action by December 1, 1991.

**NEW SECTION. Sec. 3.** The criminal justice training commission shall, within available funds, develop and offer a training program for law enforcement personnel to reduce the incidence of police harassment of, and brutality toward, residents of this state.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "justice;" strike the remainder of the title and insert: "creating new sections; and declaring an emergency."

On page 4 of the striking amendment, beginning on line 3 strike section 3 and insert the following section:

**NEW SECTION. Sec. 3.** The criminal justice training commission's basic law enforcement training and education standards established by rule and regulation pursuant to RCW 43.101.080 shall include standards for training criminal justice personnel to reduce and eliminate police harassment of, and brutality toward, citizens., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5418 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5104 with the following amendment:

On page 3, line 6, after "district." insert "The board shall provide, as prescribed by rule, reasonable advance notice of the examination.", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 5104.

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5104 was deferred.

## MESSAGE FROM THE HOUSE

April 11, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Evaluation of programs is essential in determining their effectiveness and cost benefit and in obtaining data for improving services. The department of social and health services shall conduct an evaluation of the family reconciliation services program. The study shall include the following information:

- (1) A description of services offered in phase I and phase II;
- (2) The number and characteristics of youth and families served in family reconciliation services phase I and phase II and the outcome of services provided to youth and families;
- (3) A description of outreach services including program information provided to referring agencies and the general public;
- (4) The number and type of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;
- (5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of these services;
- (6) The number of youth referred again after services were terminated and outcome of services provided;
- (7) The number of youth and families who requested specific services but who did not receive services because they were not available, including a list of the services requested but not available; and
- (8) Recommendations for improving services to at-risk youth and families.

NEW SECTION. Sec. 2. The demand for family reconciliation services continues to increase. The number of families served by the family reconciliation services program has nearly doubled in the past ten years while the number of staff providing these services has decreased. The department of social and health services shall expand family reconciliation services to serve an additional one thousand families per year.

NEW SECTION. Sec. 3. The behavioral sciences institute homebuilders intensive in-home counseling program has been highly successful in serving at-risk youth and families. This program shall expand to serve an additional one hundred twenty-six youth and families while preserving program integrity and quality.

NEW SECTION. Sec. 4. There is a lack of knowledge of existing laws and services on the part of those agencies and organizations serving at-risk youth and on the part of the general public. The office of the administrator for the courts is

requested to develop a curriculum on at-risk youth for superior court judges and court personnel to be presented at a regularly scheduled educational session. The department of social and health services is directed to produce a videotape on at-risk youth laws and services for use by law enforcement, family reconciliation services staff, prosecuting and defense attorneys, other agencies and organizations dealing with at-risk youth, and the general public. The department shall consult with other agencies and organizations providing services to at-risk youth in the production of the videotape.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services shall implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 6. RCW 74.13.034 and 1981 c 298 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if ~~((the person in charge of the crisis residential center finds that the child is seriously assaultive or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if))~~ the child has taken unauthorized leave from the center in violation of a court order and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave~~((, may be taken to a secure juvenile detention facility subject to the provisions of this section: PROVIDED, That))~~. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers



under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.20A RCW to read as follows:

The department shall ensure that the administration of chapter 13.32A RCW and applicable portions of chapter 74.13 RCW relating to runaway youth, at-risk youth, and families in conflict is consistent in all areas of the state and in accordance with statutory requirements.

**Sec. 8.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. ~~((Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.))~~ The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

**Sec. 9.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile yearly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

~~((A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.))~~

**NEW SECTION. Sec. 10.** The legislature finds that the use of alcohol and illicit drugs continues to be a primary crippler of our youth. This translates into incredible costs to individuals, families, and society in terms of traffic fatalities, suicides, criminal activity including homicides, sexual promiscuity, familial incorrigibility, and conduct disorders, and educational fallout. Among children of all socioeconomic groups lower expectations for the future, low motivation and self-esteem, alienation, and depression are associated with alcohol and drug abuse.

Studies reveal that deaths from alcohol and other drug-related injuries rise sharply through adolescence, peaking in the early twenties. But second peak occurs in later life, where it accounts for three times as many deaths from chronic diseases. A young victim's life expectancy is likely to be reduced by an average of twenty-six years.

Yet the cost of treating alcohol and drug addicts can be recouped in the first three years of abstinence in health care savings alone. Public money spent on treatment saves not only the life of the chemical abuser, it makes us safer as individuals, and in the long-run costs less.

The legislature further finds that many children who abuse alcohol and other drugs may not require involuntary treatment, but still are not adequately served. These children remain at risk for future chemical dependency, and may become mentally ill or a juvenile offender or need out-of-home placement. Children placed at risk because of chemical abuse may be better served by the creation of a comprehensive integrated system for children in crisis.

The legislature declares that an emphasis on the treatment of youth will pay the largest dividend in terms of preventable costs to individuals themselves, their families, and to society. The provision of augmented involuntary alcohol treatment services to youths, as well as involuntary treatment for youths addicted by other drugs, is in the interest of the public health and safety.

**Sec. 11.** RCW 70.96A.020 and 1990 c 151 s 2 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Alcoholic" means a person who suffers from the disease of alcoholism.
- (2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.
- (4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.
- (5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.
- (6) "Department" means the department of social and health services.
- (7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.
- (8) "Director" means the person administering the chemical dependency program within the department.
- (9) "Drug addict" means a person who suffers from the disease of drug addiction.
- (10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.
- (12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or

safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(16) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

(17) "Minor" means a person less than eighteen years of age.

(18) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((18))~~ (19) "Person" means an individual, including a minor.

(20) "Secretary" means the secretary of the department of social and health services.

~~((19))~~ (21) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((20))~~ (22) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

Sec. 12. RCW 70.96A.095 and 1989 c 270 s 24 are each amended to read as follows:

Any person fourteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

Sec. 13. RCW 70.96A.140 and 1990 c 151 s 3 are each amended to read as follows:

(1) When a designated chemical dependency specialist~~((,))~~ receives information alleging that a person is incapacitated as a result of alcoholism, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the designated chemical dependency specialist~~((,))~~ finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in an alcohol treatment program is available and deemed

appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or treatment for alcoholism pursuant to RCW 70.96A.110, or in the case of a minor, detoxification or treatment for alcohol or drug addiction, and is in need of a more sustained treatment program, or that the person is an alcoholic, or in the case of a minor, an alcoholic or other drug addict, who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120 ((~~or~~)), 71.05.210, or 71.34.050, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be

examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic, or, in the case of a minor, an alcoholic or other drug addict, likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, or, in the case of a minor, an alcoholic or other drug addict, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity or, in the case of a minor, incapacitated by alcoholism and/or other drug addiction, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if

necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

**Sec. 14.** RCW 71.05.210 and 1989 c 120 s 6 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician((s)) assistant according to chapter 18.71A RCW or a nurse practitioner according to chapter 18.88 RCW and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such

refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in ~~((an alcohol))~~ a chemical dependency treatment facility, then the person shall be referred to an approved treatment ~~((facility))~~ program defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 15.** RCW 71.34.060 and 1985 c 354 s 6 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist and the physician determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

~~((3))~~ (4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

~~((4))~~ (5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

~~((5))~~ (6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**NEW SECTION.** Sec. 16. The purpose of sections 10 through 15 of this act is solely to provide authority for the involuntary commitment of minors addicted by drugs within available funds and current programs and facilities. Nothing in sections 10 through 15 of this act shall be construed to require the addition of new facilities nor affect the department's authority for the uses of existing programs and facilities authorized by law. Nothing in sections 10 through 15 of this act shall prevent a parent or guardian from requesting the involuntary commitment of a minor through a county designated chemical dependency specialist on an ability to pay basis.

**Sec. 17.** RCW 13.32A.196 and 1990 c 276 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

((4)) (5) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

**NEW SECTION. Sec. 18.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 19.** If specific funding for section 1 of this act, referencing section 1 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 1 this act shall be null and void.

**NEW SECTION. Sec. 20.** If specific funding for section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 2 this act shall be null and void.

**NEW SECTION. Sec. 21.** If specific funding for section 3 of this act, referencing section 3 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 3 of this act shall be null and void.

**NEW SECTION. Sec. 22.** If specific funding for section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 4 of this act shall be null and void.



NEW SECTION. Sec. 23. If specific funding for section 5 of this act, referencing section 5 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. Sec. 24. The expansion of services referenced in sections 2, 3, and 4 of this act shall apply exclusively to the fiscal period commencing on July 1, 1991, and ending on June 30, 1993.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.034, 74.13.032, 74.13.035, 70.96A.020, 70.96A.095, 70.96A.140, 71.05.210, 71.34.060, and 13.32A.196; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.20A RCW; and creating new sections.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5025 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of the Message from the House on Senate Bill No. 5147 and the pending motions, one by Senator Talmadge that the Senate do concur in the House amendments and the other by Senator Nelson that the Senate do not concur in the House amendments, deferred April 20, 1991.

The President declared the question before the Senate to be the positive motion by Senator Talmadge that the Senate do concur in the House amendments to Senate Bill No. 5147.

Debate ensued.

The motion by Senator Talmadge failed and the Senate did not concur in the House amendments to Senate Bill No. 5147.

The motion by Senator Nelson carried and the Senate refuses to concur in the House amendments to Senate Bill No. 5147 and asks the House to recede therefrom.

### STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on Senate Bill No. 5982, Senate Bill No. 5104, Substitute Senate Bill No. 5295, Substitute Senate Bill No. 5611, Substitute Senate Bill No. 5720, Substitute Senate Bill No. 5632, Substitute Senate Bill No. 5669 and Senate Bill No. 5684.

I would have voted 'aye' on each measure.

SENATOR PHIL TALMADGE, 34th District

### MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5982 with the following amendments:

On page 1, line 10, after "children" strike all material through "programs," on line 11

On page 2, beginning on line 1, strike all of sections 2 and 3 and insert:  
NEW SECTION. **Sec. 2.** The superintendent of public instruction may reimburse school districts with state funds for the amount of any unavailable federal share of funds for breakfasts or lunches actually provided to children during the teachers' work stoppage that began April 18, 1991.

NEW SECTION. **Sec. 3.** The sum of two 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 solely for the purpose of section 2 of this act., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Senate Bill No. 5982.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Bill No. 5982.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 5982.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5982, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5982, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Talmadge - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SENATE BILL NO. 5982, 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.

### MOTION

On motion of Senator Murray, Senator Talmadge was excused.

## MESSAGE FROM THE HOUSE

April 20, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5411 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Floods pose threats to public health and safety including loss or endangerment to human life; damage to homes; damage to public roads, highways, bridges, and utilities; interruption of travel, communication, and commerce; damage to private and public property; degradation of water quality; damage to fisheries, fish hatcheries, and fish habitat; harm to livestock; destruction or degradation of environmentally sensitive areas; erosion of soil, stream banks, and beds; and harmful accumulation of soil and debris in the beds of streams or other bodies of water and on public and private lands;

(b) Alleviation of flood damage to property and to public health and safety is a matter of public concern;

(c) Many land uses alter the pattern of runoff by decreasing the ability of upstream lands to store waters, thus increasing the rate of runoff and attendant downstream impacts; and

(d) Prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood damage protection planning.

(2) It is the intent of the legislature to develop a coordinated and comprehensive state policy to address the problems of flooding and the minimization of flood damage.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

(1) A person unlawfully diverting, impounding, or altering the natural flow of surface waters or water flowing in a natural watercourse shall be liable in an action for property damages to a person whose property is damaged by such unlawful diversion, impoundment, or alteration. Such person shall not be liable under this section where the action was taken in compliance with a permit issued by a state agency or local government.

(2) For purposes of this section, "natural watercourse" means a channel with a defined bed and banks or a depression or swale that in its natural condition acts to drain water flowing perennially or intermittently.

(3) This section shall not apply to the diversion and collection of water for irrigation of agricultural lands, including the discharge of used irrigation water.

(4) This section shall apply only to actions taken subsequent to the effective date of this act.

Sec. 3. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

Within one year of the adoption of comprehensive plans by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, such jurisdictions shall adopt ordinances that require the provision of storm water management facilities concurrently with development approval and that meet the standards for level of service provided in the comprehensive plan.

**NEW SECTION. Sec. 5.** The purpose of sections 5 through 16 of this act is to permit counties to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

**NEW SECTION. Sec. 6.** A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**NEW SECTION. Sec. 7.** A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the participation of officials from the city, town, or special district, including conservation districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

A comprehensive flood control management plan shall be binding on each city, town, and special district that is located within an area included in the plan, except that the land use regulations and restrictions on construction activities contained in a comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed.

**NEW SECTION. Sec. 8.** A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

**Sec. 9.** RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the

department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

**Sec. 10.** RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

**Sec. 11.** RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

**NEW SECTION. Sec. 12.** A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

**Sec. 13.** RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all

other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 14.** RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

**NEW SECTION. Sec. 15.** The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

**NEW SECTION. Sec. 16.** The following acts or parts of acts are each repealed:

- (1) RCW 86.15.040 and 1961 c 153 s 4;
- (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;
- (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;
- (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7;

and

- (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

**NEW SECTION. Sec. 17.** The department of community development shall convene a state flood damage reduction commission composed of twenty-two members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; (3) the director of the department of community development, or the director's designee, who shall act as chair of the commission; (4) the director of the department of fisheries, or the director's designee; (5) the director of the department of wildlife, or the director's designee; (6) the director of the department of agriculture, or the director's designee; (7) the director of the department of ecology, or the director's designee; (8) the director of the department of transportation, or the director's designee, (9) the commissioner of public lands, or the commissioner's designee; (10) the director of the parks and recreation commission, or the director's designee; (11) four persons appointed by the governor representing counties within which significant flood control improvements have been constructed; (12) two persons appointed by the governor representing conservation districts and special districts that provide flood control improvements; and (13) two persons appointed by the governor representing tribal governments.

The commission may seek assistance from appropriate federal agencies, including the United States army corp of engineers. The department of community development shall provide staff for the commission and pay the expenses of commission members who are appointed by the governor. The expenses of the legislative members shall be

paid by the legislature. The expenses of the state agency officials, or their designees, shall be paid by their state agencies.

**NEW SECTION. Sec. 18.** The state flood damage reduction commission shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

- (1) Structural and nonstructural flood damage reduction projects;
- (2) Forest practice effects on watershed hydraulics as determined by applicable research projects conducted under the timber-fish-wildlife cooperative monitoring, evaluation, and research program, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;
- (3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;
- (4) Comprehensive watershed and flood damage management;
- (5) Storm water runoff pattern alterations and accompanying liabilities;
- (6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;
- (7) Emergency work and coordination, and emergency preparedness planning;
- (8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;
- (9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;
- (10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of funding for construction and maintenance, and resultant upstream and downstream hydrologic effects;
- (11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and
- (12) Public acquisition of properties to reduce flood damage.

**NEW SECTION. Sec. 19.** The state flood reduction commission shall report its findings to the legislature on or before December 31, 1991. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) commitments to implement the plan; (3) recommended state agency regulation and policy changes; (4) proposed legislation and associated costs to implement the state flood damage reduction plan; and (5) recommended local flood reduction and mitigation measures.

**NEW SECTION. Sec. 20.** A new section is added to chapter 86.16 RCW to read as follows:

Local governments that have adopted flood plain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to flood plain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

**NEW SECTION. Sec. 21.** A new section is added to chapter 75.20 RCW to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department of fisheries and the department of wildlife, upon request, shall invite



comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**NEW SECTION. Sec. 22.** The department of fisheries, the department of wildlife, and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

**Sec. 23.** RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

- (a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;
- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d) Undertaking other duties in this area that are deemed appropriate by the director.

**NEW SECTION.** Sec. 24. A new section is added to chapter 75.20 RCW to read as follows:

The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

**NEW SECTION.** Sec. 25. (1) This section shall apply only to projects:

- (a) Needed to repair damage done by the November or December 1990, flood events, or remove accumulated debris and gravel that significantly contributed to flooding during the November and December 1990, flood events; and
- (b) That are not a substantial development as defined in chapter 90.58 RCW; and
- (c) That require permits or other authorization for removal of valuable materials as defined in RCW 79.90.060 or permits or authorization under RCW 75.20.100 or 75.20.103.

(2) Any project undertaken under the provisions of this section shall be completed by September 15, 1991.

(3) The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall expedite and coordinate any required responses to the project application. A complete application for approval shall contain general plans for the overall project, and complete plans and specifications of the proposed construction or work. Upon receipt of a completed application, the agency that first receives that application shall, within fifteen days, schedule and hold a coordination meeting with all appropriate state, local, or county permitting or authorizing agencies. The project applicant shall be invited to this meeting. The appropriate city, county, or town may coordinate their permit approval processes with the state agencies. As soon as possible, but no later than thirty days after the receipt of a complete application, all appropriate state agencies will deny or approve the project. Any conditions placed upon project approvals shall be coordinated among the state agencies so that those conditions do not conflict.

**NEW SECTION. Sec. 26.** Section 25 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "damage;" strike the remainder of the title and insert "amending RCW 36.70A.150, 86.26.050, 86.26.090, 86.26.100, and 38.52.030; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; adding a new section to chapter 90.03 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding new sections to chapter 75.20 RCW; repealing RCW 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, and 86.16.170; creating new sections; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5411 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5670 with the following amendments:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 71.24.015 and 1989 c 205 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults (~~and children~~) of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed(~~, or chronically mentally ill~~) and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and

low-income persons. It is also the purpose of this chapter to ~~((ensure that))~~ promote the early identification of mentally ill children ((in need of mental health care and treatment)) and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and ((to)) should enable treatment decisions to be made in response to clinical needs ((and)) in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for monitoring and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 1989 c 205 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management

services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(d).

(3) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill ~~((person))~~ adult" means ~~((a child or))~~ an adult who has a mental disorder ~~((, in the case of a child as defined by chapter 71.34 RCW,))~~ and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years ~~((or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services)); or~~

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended ~~((, and shall include school attendance in the case of a child; or~~

~~((d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect)).~~

(6) "Severely emotionally disturbed child" means an infant or child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(7) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

~~((7))~~ (8) "Community support services" means services for acutely ~~((and))~~ mentally ill persons, chronically mentally ill ((persons)) adults, and severely emotionally disturbed children and includes: (a) Discharge planning for clients leaving state mental

hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill ~~((persons))~~ adults and severely emotionally disturbed children.

~~((8))~~ (9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (10) "Department" means the department of social and health services.

~~((10))~~ (11) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

~~((11))~~ (12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), (6), and ~~((15))~~ (16) of this section.

~~((12))~~ (13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

~~((13))~~ (14) "Residential services" means a facility or distinct part thereof which provides food and shelter, and may include treatment services.

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill ~~((persons))~~ adults, severely emotionally disturbed children, or seriously disturbed ~~((persons))~~ adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((14))~~ (15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, or seriously disturbed adults ~~((and children))~~ determined by the regional support

network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

((45)) (16) "Seriously disturbed person" means a person who:

- (a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;
- (b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;
- (c) Has a mental disorder which causes major impairment in several areas of daily living;
- (d) Exhibits suicidal preoccupation or attempts; or
- (e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

((46)) (17) "Secretary" means the secretary of social and health services.

((47)) (18) "State minimum standards" means: (a) Minimum requirements for delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to licensing service providers and services; (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) ~~((the))~~ chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services;

(c) Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;



(m) Prior to September 1, 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, and seriously disturbed as defined in chapter 71.24 RCW. The formula

shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health (~~care and corrections~~) and long-term care committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, (~~(1989)~~) 1991. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults (~~and children~~), severely emotionally disturbed children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, or severely emotionally disturbed, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1 of any year thereafter shall submit their intentions by October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05

RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~(g) ((Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.~~

~~(h))~~ Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((h))~~ (h) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

~~((i))~~ (i) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

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

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

NEW SECTION. Sec. 4. By December 1, 1991, the department shall develop criteria under the federal Title XIX early and periodic screening, diagnosis, and treatment program to serve acutely mentally ill and severely emotionally disturbed children in a manner that maximizes federal reimbursement by:

(1) Developing qualifications for certified mental health screening providers and ensuring that mental health screening, as appropriate and medically necessary, is coordinated with or does not duplicate complete screening examinations;

(2) Developing, in consultation with regional support networks and private practitioners, criteria for use by providers under the early and periodic screening, diagnosis, and treatment program to identify children with mental disorders eligible for referral to further evaluation, diagnosis, and treatment planning;

(3) Requiring prior authorization and utilization review for residential and inpatient services, including inpatient acute hospitalizations and evaluation and treatment facilities as defined in RCW 71.34.020; and

(4) Providing reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention or intervention and maximize the development and potential of acutely mentally ill and severely emotionally disturbed children and their families.

The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

Sec. 5. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide

measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. RCW 71.24.800 and 1987 c 439 s 4 are each repealed.

NEW SECTION. Sec. 7. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

However, if any part of this act conflicts with such federal requirements, the state appropriation for mental health services provided to children whose mental disorders are discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program shall be provided through the division of medical assistance and no state funds appropriated to the division of mental health shall be expended or transferred for this purpose.

NEW SECTION. Sec. 8. The legislature finds that an increasing number of children are entering the state's public schools with learning impairments caused by the use of drugs, alcohol, and tobacco by their mothers during pregnancy. Many of these children suffer from mental retardation, poor social abilities, low cognitive skills, attention deficit disorders, hyperactivity, or speech problems.

The legislature further finds that educating these children will require additional resources, and perhaps new educational strategies and techniques. The extent of these additional resources and the most appropriate strategies and techniques are not known at this time. If additional resources are not provided, teachers will be required to devote significant time to these students to the detriment of other children in the classroom.

The legislature further finds that many of these learning impairments are preventable, and that increased parental education on the effects of substance abuse during pregnancy would aid in reducing the number of children with learning impairments.

NEW SECTION. Sec. 9. The task force on the children of substance abusers is created. The task force shall:

(1) Consult with the interagency task force created under Senate Bill 5474 to identify current methods of data collection and reporting about children in Washington born affected by alcohol or drugs;

(2) Determine, to the extent feasible with available resources, the current and projected number of children in Washington born affected by alcohol or drugs, and estimate the number that can be expected to have learning impairments during school age;

(3) Investigate the nature of the special needs of children born affected by alcohol or drugs;

(4) Identify the categories of education and social services in the state likely to be significantly affected by changes in the number of children born affected by alcohol or drugs;

(5) Identify current public education and social service programs designed to address the special needs of children born affected by alcohol or drugs, including, to the extent feasible, total expenditures and number of children served;

(6) Identify current educational and treatment programs designed to reduce substance abuse during pregnancy, including, to the extent feasible, total expenditures and number of women served; and

(7) Based on its findings under subsections (1) through (6) of this section:

(a) Examine implications for the public school system and social services in Washington;

(b) Investigate promising models for addressing the needs of children born affected by alcohol or drugs within the public education and social service settings, including, to the extent feasible, estimates of cost per child;

(c) Investigate ways to reduce the problem of substance abuse during pregnancy, including, but not limited to, ways to reduce the social acceptance of alcohol and drug use during pregnancy and ways to reduce the availability of harmful substances to pregnant women;

(d) Investigate such related issues as the task force deems appropriate; and

(e) Develop recommendations for state action.

**NEW SECTION. Sec. 10.** (1) Membership on the task force created in section 9 of this act shall include representatives from the:

(a) Senate, one each from the majority and minority parties, selected by the president of the senate;

(b) House of representatives, one each from the majority and minority parties, selected by the speaker of the house of representatives;

(c) Office of the superintendent of public instruction;

(d) Department of health;

(e) Department of community development;

(f) Department of social and health services;

(g) University of Washington's center for child development and mental retardation;

(h) Washington education association;

(i) Association of Washington school principals;

(j) Washington state school directors' association;

(k) Washington association of school administrators;

(l) Washington state parent-teachers association;

(m) Learning disability association of Washington;

(n) County health departments;

(o) Chemical dependency associations, not more than three representatives; and

(p) Private advocacy groups serving families and children, not more than three representatives.

(2) The representatives of the agencies listed under subsection (1) (c) through (g) of this section shall be the agency heads or their designees. The representatives of the

organizations listed under subsection (1) (h) through (p) of this section shall be appointed by the superintendent of public instruction after consultation with organizations they represent. The task force shall select a chair from among its members at its first meeting.

(3) All task force members shall be appointed within twenty days and the first meeting of the task force shall be within thirty days of the effective date of this section.

NEW SECTION. **Sec. 11.** Staff support for the task force created in section 9 of this act shall be provided by the office of the superintendent of public instruction.

NEW SECTION. **Sec. 12.** The task force created in section 9 of this act shall report its final findings and recommendations to the appropriate standing committees of the legislature before December 1, 1991.

NEW SECTION. **Sec. 13.** Sections 8 through 12 of this act shall expire December 31, 1991.

NEW SECTION. **Sec. 14.** Sections 8 through 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 existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, and 71.24.045; creating new sections; repealing RCW 71.24.800; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5670 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of the Message from the House on Senate Bill No. 5104, deferred earlier today after the Senate concurred in the House amendment.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5104, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SENATE BILL NO. 5104, 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.

## MESSAGE FROM THE HOUSE

April 9, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5295 with the following amendments:

On page 2, after line 22, insert the following:

Sec. 2. RCW 81.80.300 and 1985 c 7 s 152 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of (~~three~~) up to ten dollars for each such decal or stamp or number plus the applicable gross weight fee prescribed by RCW 81.80.320: PROVIDED, That as to equipment operated between points in this state and points outside the state exclusively in interstate commerce, and as to equipment operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the commission may adopt rules and regulations specifying an alternative schedule of fees to that specified in RCW 81.80.320 as it may find to be reasonable and specifying the method of evidencing payment of such fees.

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.020 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than February 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of November preceding and may be used from the date of issue until February 1st of the succeeding calendar year for which the same was issued.

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section, and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

On line 1 of the title, after "trucks;" insert "amending RCW 81.80.300;," and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5295.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5295, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Conner, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, von Reichbauer, West, Williams, Wojahn - 31.

Voting nay: Senators Amondson, Barr, Cantu, Craswell, Erwin, Jesernig, McCaslin, Newhouse, Roach, L. Smith, Stratton, Sutherland, Thorsness, Vognild - 14.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5295, 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.

## MESSAGE FROM THE HOUSE

April 15, 1991

## MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5611 with the following amendments:

On page 1, line 8, after "excise" insert ", sales and business and occupation"

On page 1, line 9, after "upon" strike "car" and insert "fleet"

On page 2, line 6, after "tax;" insert "(d) The impacts of business and occupation taxes for in-state and out-of-state fleet purchases by rental companies;"

Reletter the remaining subsections accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5611.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5611, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5611, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5611, 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.

## MESSAGE FROM THE HOUSE

April 10, 1991

## MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5720 with the following amendment:

On page 11, after line 2, insert:

NEW SECTION. Sec. 5. A new section is added to chapter 47.36.050 RCW to read as follows:

The department shall ensure that specific information panels are installed within nine months of receiving the request for installation.

Renumber the remaining section consecutively., and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5720.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5720, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5720, 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 the Message from the House on Substitute Senate Bill No. 5202 and the pending motion by Senator Nelson to not concur in the House amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator Nelson, the President finds that Substitute Senate Bill No. 5202 is a measure which makes various changes in the procedures for recording civil judgments.

"The House amendment would allow superior courts to issue partial summary judgment in certain cases upon a showing that no material issue of fact exists as to causation, liability and amount of damage.

"The President, therefore, finds that the proposed House amendment does change the scope and object of the bill and the point of order is well taken."

The House amendment to Substitute Senate Bill No. 5202 was ruled out of order.

The motion by Senator Nelson carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5202 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5632 with the following amendment:

On page 8, beginning on line 11, after "services," strike the remainder of the section and insert "constitutes unprofessional conduct under this chapter and chapter 18.130 RCW.", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 5632.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5632, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5632, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5632, 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.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5669 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.060 and 1986 c 298 s 7 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

Sec. 2. RCW 43.185.070 and 1988 c 286 s 1 are each amended to read as follows:

(1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department (~~(, not to)~~). Administrative costs paid out of the housing trust fund may not exceed ((thirty seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed)) five percent of annual revenues ((to the fund thereafter)) available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on ~~some or all~~ of the ~~((following))~~ criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

~~((e))~~ (d) Local government project contributions in the form of infrastructure improvements, and others;

~~((d))~~ (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

~~((e))~~ (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((fifteen))~~ twenty-five years;

~~((f))~~ (g) The applicant has the demonstrated ability, stability and resources to implement the project;

~~((g))~~ (h) Projects which demonstrate serving the greatest need; ~~((and~~

~~((h))~~ (i) Projects that provide housing for persons and families with the lowest incomes;

(j) Projects serving special needs populations which are under statutory mandate to develop community housing;

(k) Project location and access to employment centers in the region or area; and

(l) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

Sec. 3. RCW 71.24.300 and 1989 c 205 s 5 are each amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other

networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

(8) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

On page 1, line 2 of the title, after "networks;" strike the remainder of the title and insert "amending RCW 43.185.060, 43.185.070, and 71.24.300.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 5669.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5669, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5669, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5669, 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.

### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5982.

### MESSAGE FROM THE HOUSE

April 19, 1991

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5684 with the following amendments:

On page 2, line 13, after "manner," insert "except when delivered in person to an individual,"

On page 5, line 15, after "manner," insert "except when delivered in person to an individual,"

On page 6, line 3, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 6, line 25, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 7, line 18, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 8, line 12, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 8, line 14, after "organization" strike "contractor", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendments to Senate Bill No. 5684.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5684, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5684, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Sellar, Talmadge - 4.

SENATE BILL NO. 5684, 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.

### MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Cole and Holland.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1174 and the Senate amendments thereto.

### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1174 and the Senate amendments thereto: Senators Bailey, Murray and Erwin.



## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Peery, G. Fisher and Brough.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1023 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1023 and the Senate amendments thereto: Senators Bailey, Rinehart and Anderson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5982, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 8, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5049 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.55.010 and 1989 c 111 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has ((a)) an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113

Immediately

(ii) On a highway and tagged as

described in RCW 46.55.085

24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070

Immediately

(b) Private locations:

(i) On residential property

Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.07

Immediately

(iii) On private, nonresidential property, not posted

24 hours

Sec. 2. RCW 46.55.230 and 1987 c 311 s 19 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director (~~((may))~~) shall inspect and (~~((certify that a vehicle meets the requirements of a))~~) may authorize the disposal of an abandoned junk vehicle. The person making the (~~((certification))~~) inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also (~~((describe in detail the damage or missing equipment to))~~) verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall (~~((obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification))~~) mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to (~~((contest the sale of a junk vehicle in a district court hearing))~~) arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner (~~((shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner))~~) may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 3. RCW 46.55.240 and 1989 c 111 s 17 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of (~~unauthorized~~) junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not

subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

On line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.010, 46.55.230, and 46.55.240.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendments to Senate Bill No. 5049 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1956 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Grant and Nealey.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 1956 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1956 and the Senate amendments thereto: Senators Barr, Hansen and Newhouse.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

## MESSAGE FROM THE GOVERNOR

April 22, 1991

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

I have the honor to advise you that on April 22, 1991, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5906

Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

Sincerely,

THOMAS J. FELNAGEL, Legal Counsel to the Governor

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

## MESSAGE FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2141 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, Jacobsen and Prince.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2141 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2141 and the Senate amendments thereto: Senators Roach, Madsen and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 6:01 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Tuesday, April 23, 1991.

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

**ONE HUNDREDTH DAY**-----  
**MORNING SESSION**  
-----

Senate Chamber, Olympia, Tuesday, April 23, 1991

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Sellar and Wojahn. On motion of Senator Murray, Senators Conner and Wojahn were excused. On motion of Senator Anderson, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Holly Harper and Geoffrey Thomson, presented the Colors. Reverend Don Nicholson, pastor of the Victory Christian Center of Olympia, offered the prayer.

**MOTION**

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

**REPORT OF SELECT COMMITTEE****WASHINGTON PUBLIC PORTS****P. O. BOX 1518****Olympia, Washington 98507****April 19, 1991**

The Honorable Alan Thompson, Chief Clerk  
3rd Floor, Legislative Building  
Olympia, Washington 98504

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

Dear Legislators:

Please find enclosed a status report of the Washington Public Ports Association's Federation.

As you may recall, the 1989 legislation authorizing the Association to form a federation requires an annual report on progress being made on its formation.



The Association is pleased to provide the status report. I believe you will find it enlightening.

Sincerely,  
WASHINGTON PUBLIC PORTS ASSOCIATION  
Donald R. White, Executive Director

## MESSAGES FROM THE HOUSE

April 22, 1991

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5015,

SENATE BILL NO. 5023,

SUBSTITUTE SENATE BILL NO. 5027,

SENATE BILL NO. 5042,

SUBSTITUTE SENATE BILL NO. 5045,

SUBSTITUTE SENATE BILL NO. 5052,

SENATE BILL NO. 5053,

SECOND SUBSTITUTE SENATE BILL NO. 5127,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,

SENATE BILL NO. 5290,

SUBSTITUTE SENATE BILL NO. 5359,

ENGROSSED SENATE BILL NO. 5476,

SENATE BILL NO. 5722,

SECOND SUBSTITUTE SENATE BILL NO. 5830,

SENATE JOINT MEMORIAL NO. 8012, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2132,

SUBSTITUTE HOUSE BILL NO. 2187, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1019,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,

SUBSTITUTE HOUSE BILL NO. 1052,

SUBSTITUTE HOUSE BILL NO. 1142,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,

SUBSTITUTE HOUSE BILL NO. 1316,  
 SUBSTITUTE HOUSE BILL NO. 1336,  
 HOUSE BILL NO. 1339,  
 HOUSE BILL NO. 1487,  
 ENGROSSED HOUSE BILL NO. 1500,  
 HOUSE BILL NO. 1581,  
 SUBSTITUTE HOUSE BILL NO. 1957,  
 HOUSE BILL NO. 1992,  
 SUBSTITUTE HOUSE BILL NO. 2050,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,  
 HOUSE BILL NO. 2163, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2132,  
 SUBSTITUTE HOUSE BILL NO. 2187.

MESSAGE FROM THE HOUSE

April 18, 1991

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO 5082 with the following amendments:

On page 2, after line 22, insert:

NEW SECTION. Sec. 3. RCW 77.12.480 and 1980 c 78 s 64, 1967 c 62 s 4 are each repealed.

On page 1, line 2 of the title, after "75.28.010;" insert:

"repealing RCW 77.12.480"

On page 2, after line 22, insert:

NEW SECTION. Sec. 3. The house fisheries and wildlife committee and the senate committee on environment and natural resources shall evaluate whether the fishing guide license requirements under this act are sufficient, and shall present their recommendations to the legislature by December 31, 1991.

On page 1, line 2 of the title, after "75.28.010;" insert "creating a new section;" and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 5082.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5082, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Excused: Senators Conner, Sellar, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5082, 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.

## MESSAGE FROM THE HOUSE

April 9, 1991

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO 5108 with the following amendments:

On page 2, at the end of line 17, insert ""Prize" does not include an item offered in a promotion where all of the following elements are present:

(a) No element of chance is involved in obtaining the item offered in the promotion;

(b) The recipient has the right to review the merchandise offered for sale without obligation for at least seven days, and has a right to obtain a full refund in thirty days for the return of undamaged merchandise;

(c) The recipient may keep the item offered in the promotion without obligation; and

(d) The recipient is not required to attend any sales presentation or spend any sum in order to receive the item offered in the promotion."

On page 2, line 20, after "specific" insert "named"

On page 2, beginning on line 23, after "property" strike all material through "property" on line 24

On page 4, line 25, after "item" insert "in an offer", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 5108.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5108, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Excused: Senators Conner, Sellar, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5108, 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.

## MESSAGE FROM THE HOUSE

April 18, 1991

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5526 with the following amendment:

On page 2, line 2, after "means" strike "a reasonable" and insert "an", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Anderson, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5526 and requests of the House a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5526 and the House amendments thereon: Senator Anderson, Bauer and Matson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 11, 1991

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO 5613 with the following amendments:

On page 2, after line 29, insert:

"(10) "Negotiable written instruments" include, but are not limited to, stocks, bonds, notes, or promissory notes, and checks of any kind, and shall not be accepted nor shall they constitute personal property for the purpose of a loan transaction."

On page 8, line 12, after "of" strike "four" and insert "three", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate refuses to concur in the House amendments and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 19, 1991

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5837 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.08 RCW to read as follows:

As a separate alternative to the definition of "employer" under section 2 of this act and the definition of "worker" under section 3 of this act, services performed by an individual for remuneration shall not constitute employment subject to this title if it is shown that:

(1) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact; and

(2) The service is either outside the usual course of business for which the service is performed, or the service is performed outside all of the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(3) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(4) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(5) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(6) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting.

**Sec. 2.** RCW 51.08.070 and 1981 c 128 s 1 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as a separate alternative, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in subsections (1) through (6) of section 1 of this act.

For the purposes of this title, a contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not an employer when:

(1) Contracting with any other person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(2) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(3) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(4) The work which the person, firm, or corporation has contracted to perform is:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

**Sec. 3.** RCW 51.08.180 and 1987 c 175 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as a separate alternative, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of section 1 of this act. 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.

**Sec. 4.** RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) ~~Sole proprietors or partners (PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115)).~~

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected ((and empowered)) or voluntarily appointed in accordance with the articles of incorporation or bylaws of ((a) the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400(19) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

~~((However, any))~~ (d) A corporation may elect to cover ((such)) officers who are ((in fact employees of the corporation)) exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

Sec. 5. RCW 51.12.110 and 1982 c 63 s 17 are each amended to read as follows:

Any employer who has in his or her employment any person or persons excluded from mandatory coverage pursuant to RCW 51.12.020 (~~((1), (2), (3), (4), (6), (7), (8), or (9))~~) may file notice in writing with the director, on such forms as the department may provide, of his or her election to make such persons otherwise excluded subject to this title. The employer shall forthwith display in a conspicuous manner about his or her works, and in a sufficient number of places to reasonably inform his or her workers of the fact, printed notices furnished by the department stating that he or she has so elected. Said election shall become effective upon the filing of said notice in writing. The employer and his or her workers shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected worker or workers work and shall otherwise notify personally the affected workers. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

The department shall have the power to cancel the elective adoption coverage if any required payments or reports have not been made. Cancellation by the department shall be no later than thirty days from the date of notice in writing by the department advising of cancellation being made.

Sec. 6. RCW 50.04.140 and 1945 c 35 s 15 are each amended to read as follows:

Services performed by an individual for remuneration shall be deemed to be employment subject to this title unless and until it is shown to the satisfaction of the commissioner that:



(1)(a) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

~~((2))~~ (b) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

~~((3))~~ (c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service.

(2) Or as a separate alternative, it shall not constitute employment subject to this title if it is shown that:

(a) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(b) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(d) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(e) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(f) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting.

**Sec. 7.** RCW 50.04.230 and 1947 c 5 s 24 are each amended to read as follows:

The term "employment" shall not include service performed by an insurance agent, insurance broker, or insurance solicitor or a real estate broker or a real estate salesman to the extent he or she is compensated by commission and service performed by an investment company agent or solicitor to the extent he or she is compensated by commission(~~(, the [ . The ])~~). The term "investment company", as used in this (~~(subsection {section})~~) section is to be construed as meaning an investment company as defined in the act of congress entitled "Investment Company Act of 1940.

**NEW SECTION.** **Sec. 8.** RCW 51.12.115 and 1981 c 128 s 5 are each repealed.

**NEW SECTION.** **Sec. 9.** If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements

which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 10.** This act shall take effect January 1, 1992.

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "amending RCW 51.08.070, 51.08.180, 51.12.020, 51.12.110, 50.04.140, and 50.04.230; adding a new section to chapter 51.08 RCW; repealing RCW 51.12.115; creating a new section; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5837.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5837, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5837, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 45.

Voting nay: Senator Vognild - 1.

Excused: Senators Conner, Sellar, Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5837, 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.

### MESSAGE FROM THE HOUSE

April 18, 1991

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5301 with the following amendments:

On page 1, line 7, after "Ocean" insert "or the Strait of Georgia"

On page 1, line 7, after "city" insert "on a San Juan Island or"

On page 3, line 29, after "purposes." insert "In addition, any city with a population of not less than one thousand on one of the San Juan islands or the county within which such a city is located may use the proceeds of such taxes for the acquisition, construction, or operation of publicly owned facilities that are used (a) for county fairs occurring no more than once a year and not extending over a period of more than seven days, or (b) to mitigate the impacts of tourism.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McCaslin, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5301 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 18, 1991

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120 with the following amendments:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 26.09.010 and 1989 c 375 s 1 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of ..... and ....." Such proceeding (~~may~~) shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of ....." Such proceeding shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

**Sec. 2.** RCW 26.09.015 and 1989 c 375 s 2 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency,

or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings. This subsection shall not apply to postdecree mediation required pursuant to a parenting plan.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

~~((6) This section shall not apply to postdecree mediation required pursuant to a parenting plan.))~~

Sec. 3. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter 26.19 RCW.

(2) The court may require periodic ~~((adjustments))~~ modifications of child support. That portion of any decree that requires periodic modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the modification. That portion of any decree that requires periodic modification of child support that uses a basis for modification other than chapter 26.19 RCW shall be void. Provisions in the decree for periodic modification shall not conflict with RCW 26.09.170 except that the decree may require periodic modifications of support more frequently than the time periods established pursuant to RCW 26.09.170. The ~~((adjustment))~~ automatic modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170(4)(a).

Sec. 4. RCW 26.09.160 and 1989 c 318 s 1 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another; to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, ~~((may))~~ shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child, the court ~~((may))~~ shall find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070 and subsection (10) of this section, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the filing of the motion for modification and, except as otherwise provided in subsections (4), (5), ~~((and))~~ (8), (9), and (10) of this section, only upon a showing of a substantial change of circumstances. Any modification granted shall be effective as of the date of the filing of the motion. The provisions as to property disposition may not be revoked or

modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state. An increase in the wage or salary of a parent who is receiving support transfer payments as defined in section 24 of this act is not a substantial change in circumstances.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) Unless a decree provides for more frequent modifications of child support as provided in RCW 26.09.100, an order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests ~~((an adjustment))~~ a modification in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support provisions ~~((consistent with))~~ as provided in RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the ~~((appropriate))~~ presumptive child support amount set forth in the standard calculation as defined in section ~~((4(2)))~~ 24 of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8)(a) ~~((Except as provided in (b) and (c) of this subsection,))~~ Unless a decree provides for more frequent modification of child support as provided in RCW 26.09.100, all decrees entered on, before, or after September 1, 1991, that contain orders regarding child support ((decrees)) may be ((adjusted)) modified once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) All decrees entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change in circumstances. Parents whose decrees are entered on, before ((the effective date of this act)), or after the effective date of this section may petition the court for a modification based on the changes in the child support schedule after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) and (b) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

~~((e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.))~~

(9) Any decree, separation agreement, contract, or other agreement that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be modified to conform to the requirements of RCW 26.09.170(8).

(10) A parent obligated to pay support, who was on active duty for the United States military for the "Desert Shield" or "Desert Storm" operations of the United States war with Iraq, may bring a motion for modification of child support without a substantial change of circumstances for purposes of a retroactive adjustment of child support commencing from the beginning of the active duty until the date the parent was no longer on active duty. The parent must bring the motion for modification within ninety days of the end of the parent's active duty. The motion for modification may only be granted if the parent's income or resources were reduced while on active duty. Any modification granted that reduces child support during the parent's term of active duty shall be a prospective credit against future child support payments in an amount and over a period of time as determined in the court's discretion.

Sec. 6. RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((a supporting financial affidavit,))~~ and worksheets. The petition ~~((and affidavit))~~ shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition ~~((and affidavit, and a blank copy of a financial affidavit)),~~ and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 ~~((and notice has been filed with the court))~~ or the state has a subrogated interest under RCW 74.20A.030, the summons, petition, ~~((affidavit,))~~ and worksheets shall also be served on the attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer ~~((and completed financial affidavit))~~ and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of

an order of child support shall be heard by the court on affidavits, the petition, answer, and worksheets only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 7. RCW 26.09.184 and 1989 c 375 s 9 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;
- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
- (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;
- (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;
- (e) The parties have the right of review from the dispute resolution process to the superior court; and
- (f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(4) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these



specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

(6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

(7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (6) of this section.

Sec. 8. RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education (~~and health care~~) records of the child absent a court order to the contrary. Educational records include records of public and private schools in all grades kindergarten through twelve and any form of alternative school or postsecondary educational institution for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records. Neither parent may veto the access requested by the other parent and neither parent nor child nor any educational institution may assert a privilege on behalf of the child.

(2) Each parent shall have full and equal access to the health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent and neither parent nor child nor health care provider may assert a privilege on behalf of the child.

Sec. 9. RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time

provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

~~((2))~~ (3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

~~((3))~~ (4) The court may order adjustments to a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a:

(a) Modification in the dispute resolution process; or

(b) Minor modification in the residential schedule that:

(i) Does not change the residence the child is scheduled to reside in the majority of the time; and

(ii) Does not exceed twenty-four full days in a calendar year or five full days in a calendar month; or

(iii) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow.

(5) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 10. RCW 26.09.280 and 1987 c 460 s 20 are each amended to read as follows:

~~((Hereafter))~~ Every action or proceeding to change, modify, or enforce any final order, judgment, or decree ~~((heretofore or hereafter))~~ entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, ~~((in relation to))~~ regarding the parenting plan or child support for the minor children of the marriage may be brought in the county where ~~((said))~~ the minor children are then residing, or in the county in which ~~((said))~~ the final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the ~~((said))~~ children is then residing.

Sec. 11. RCW 26.12.010 and 1983 c 219 s 1 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations.

Sec. 12. RCW 26.12.060 and 1988 c 232 s 4 are each amended to read as follows:

The ~~((family))~~ court commissioners shall: (1) ~~((Receive all applications and complaints filed in the family court for the purpose of disposing of them pursuant to this chapter))~~ Make appropriate referrals to county family court services program if the county has a family court services program; (2) ~~((investigate))~~ order investigation and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings ((filed in or transferred to the family court pursuant to)) under this chapter; (3) ~~((for the purpose of this chapter,))~~ exercise all the powers and perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold conciliation conferences with parties to and hearings in proceedings under this chapter and))~~ make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and

findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause ((sueb)) other reports to be made and records kept as will indicate the value and extent of ~~((such conciliation service))~~ reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under chapter 13.34 RCW as provided in RCW 13.04.021.

Sec. 13. RCW 26.12.170 and 1983 c 219 s 5 are each amended to read as follows:

~~((The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the parties or an amicable adjustment or settlement of the issues of the controversy.))~~ To facilitate and promote the purposes of this chapter, ~~((the))~~ family court judges and court commissioners may order or recommend family court services, drug and alcohol abuse evaluations and monitoring of the parties through public or private treatment services, other treatment services, the aid of physicians, psychiatrists, ~~((or))~~ other specialists, or other services or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. ~~((Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.))~~

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 14. RCW 26.12.190 and 1983 c 219 s 7 are each amended to read as follows:

(1) ~~((During the period of thirty days after filing a petition for conciliation no family law proceeding shall be filed by either party and further proceedings in a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court.))~~ The family court shall have jurisdiction and full power in all pending cases to make, alter, modify, and enforce all temporary and permanent orders~~((orders for))~~ regarding the following: Parenting plans, child support, custody of children, visitation, possession of property, maintenance, contempt, custodial interference, and orders for attorneys' fees, suit money or costs as may appear just and equitable. Court commissioners or judges shall not have authority to require the parties to mediate disputes concerning child support.

(2) ~~((If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the parties has not been terminated, either party may apply for further relief by filing in the clerk's office additional pleadings or by asking that the pending case be set for trial. The family court has full jurisdiction to hear, try, and determine family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.))~~

(3) ~~The conciliation provisions of this chapter may be used concerning support, visitation, contempt, or for modification based on changed conditions or for other problems between the parties related to the family law proceeding.~~

(4) ~~Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to family law proceedings. The family court shall, when application for relief is made under this chapter, apply provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable~~

~~settlement of all issues in controversy~~) Family court investigation, evaluation, mediation, treatment, and reconciliation services, and any other services may be used to assist the court to develop an order as the court deems necessary to preserve the marriage, implement an amicable settlement, and resolve the issues in controversy.

**Sec. 15.** RCW 26.12.220 and 1980 c 124 s 1 are each amended to read as follows:

(1) The legislative authority of any county may authorize family court services as provided in RCW 26.12.230. The legislative authority may impose a fee in excess of that prescribed in RCW 36.18.010 for the issuance of a marriage license~~((: PROVIDED, That such))~~. The fee shall not exceed eight dollars.

(2) In addition to any other funds used therefor, the governing body of any county shall use the proceeds from the fee increase authorized by this section to pay the expenses of the family court and the family court services under chapter 26.12 RCW. If there is no family court in the county, the legislative authority may provide such services through other county agencies or may contract with a public or private agency or person to provide such services. Family court services also may be provided jointly with other counties as provided in RCW 26.12.230.

(3) The family court services program may hire professional employees to provide the investigation, evaluation and reporting, and mediation services, or the county may contract for these services, or both. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists.

(4) The family court services program may provide or contract for: (a) Mediation; (b) investigation, evaluation, and reporting to the court; and (c) reconciliation; and may provide a referral mechanism for drug and alcohol testing, monitoring, and treatment; and any other treatment, parenting, or anger management programs the family court professional considers necessary or appropriate.

(5) Services other than family court investigation, evaluation, reconciliation, and mediation services shall be at the expense of the parties involved absent a court order to the contrary. The parties shall bear all or a portion of the family court investigation, evaluation, reconciliation, and mediation services according to the parties' ability to pay.

(6) The county legislative authority may establish rules of eligibility for ~~((conciliation))~~ the family court services funded under this section ~~((so long as its))~~. The rules ~~((do))~~ shall not conflict with rules of the court adopted under chapter 26.12 RCW or any other statute.

~~((4))~~ (7) The legislative authority may establish fees for family court investigation, evaluation, reconciliation, and mediation services under this chapter according to the parties' ability to pay for the services. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

**NEW SECTION. Sec. 16.** The family court shall give proceedings involving children priority over cases without children.

**NEW SECTION. Sec. 17.** The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian is in the best interests of the child in any proceeding under this chapter. The family court services professionals shall make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority.

NEW SECTION. Sec. 18. All acts and proceedings of the court commissioners shall be subject to revision by the superior court as provided in RCW 2.24.050.

NEW SECTION. Sec. 19. (1) Any state funds appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium to the office of the administrator for the courts for the purposes of funding county family courts and county family court services shall be distributed to the eligible counties as provided in this section.

(2) Any appropriation in the omnibus operating budget appropriations act for the purposes of implementing this section is contingent on an equal amount of money being provided by the county from nonstate sources, whether public or private.

(3) Any county that has implemented or has committed to implement a family court and family court services on or before January 1, 1993, is eligible for available appropriated state funds if the county: (a) Obtains approval of an application under subsection (4) of this section; and (b) commits to spend money from public or private nonstate funding sources over a one-year period beginning on the date the county receives state funding, in an amount that is equal to or greater than the state funds distributed to the county under subsection (4) of this section. Any state funding is contingent on the county maintaining the family court and the family court services over the one-year period after disbursement of state funds to the county.

(4) The office of the administrator for the courts shall accept applications for state funds until March 1, 1992. After the application period expires, the office of the administrator for the courts shall determine each eligible county's percentage of the funds appropriated for family courts and family court services. An eligible county's percentage share of the appropriated funds shall be the same percentage as the number of cases filed in that county under Title 26 RCW, divided by the number of cases filed under Title 26 RCW in all the eligible counties. The initial determination of the number of case filings in each eligible county shall be based upon the office of the administrator for the courts' most recent annual report. The office of the administrator for the courts shall adjust the calculation of the number of filings in each county if any county has a disproportionate number of filings due to changes of venue or cases in which both parties live in another county. The office of the administrator for the courts may begin disbursing the state funds by July 1, 1992, to eligible counties. The office of the administrator for the courts shall disburse the state funds not later than January 1, 1993, to eligible counties. The counties must use the state funds over a one-year period from the date of disbursement. The counties that provide family courts and family court services pursuant to a joint family court services contract under RCW 26.12.230 may apply for state funds jointly and their eligibility for state funding shall be determined in the same manner as the eligibility of individual counties.

(5) The office of the administrator for the courts shall develop an application form for applying for state funds under this subsection. The office of the administrator for the courts shall develop rules to determine whether a county applying for state funds (a) has implemented or has committed to implement a family court and family court services under this chapter; (b) has committed nonstate funds for a one-year period following disbursement of the state funds to continue the family court and the family court services through that one-year period; and (c) has spent the matching funds required to obtain the state funds.

Sec. 20. RCW 26.18.100 and 1989 c 416 s 10 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF

## WASHINGTON IN AND FOR THE COUNTY OF

.....

.....,  
 Obligee  
 No.....  
 vs.

.....,  
 WAGE ASSIGNMENT  
 Obligor  
 ORDER

.....,  
 Employer

THE STATE OF WASHINGTON TO: .....

Employer  
 AND TO: .....  
 Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is ..... dollars, the amount of arrearage payments specified in the support order (if applicable) is ..... dollars per ....., and the amount of the current and continuing support obligation under the support order is ..... dollars per .....

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support debt and the current support obligation;

(b) The sum of the specified arrearage payment amount and the current support obligation; or

(c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

(3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings and remit to the Washington state support registry the proper amounts at each regular pay interval.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ((or))

(b) The Washington state support registry, office of support enforcement that the accrued child support debt has been paid; or

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or your are no longer in possession of any earnings owed to the employee. You shall continue to hold the wage assignment order during that one-year period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period.

You shall deliver the withheld earnings to the Washington state support registry at each regular pay interval(~~(, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order)~~).

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR,  
YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU  
LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE  
OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of ..., 19 ....

-----  
Obligee,  
Judge/Court, Commissioner  
or obligee's attorney

**Sec. 21.** RCW 26.18.110 and 1989 c 416 s 11 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry at each regular pay interval(~~(, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order)~~).

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ((or))

(b) The Washington state support registry that the accrued child support debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(2)(b). The employer shall promptly notify the Washington state support registry when the employee is no longer employed. If the employer no longer employs the employee, the wage assignment order shall remain in effect for one year after the employee has left the employment or the employer has been in possession of any earnings owed to the employee. The employer shall continue to hold the wage assignment order during that one-year period. If the employee returns to the employer's employment during the one-year period the employer shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned within one year, the wage assignment shall cease to have effect at the expiration of the one-year period; or

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable to the obligee for ~~((the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law))~~ one hundred percent of the support debt, or the amount of support moneys that should have been withheld from the employee's earnings whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a wage assignment order, to deduct and promptly remit from the unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the notice of wage assignment after being served; or

(c) Is unwilling to comply with the other requirements of this section.

Liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. ~~((A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law))~~ If an employer discharges, disciplines, or refuses to hire an employee in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of damages suffered as a result of the violation and for costs and reasonable attorneys' fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

(9) An employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a



listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

**Sec. 22.** RCW 26.18.140 and 1984 c 260 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

(2) The court may enter an order delaying, modifying, or terminating the wage assignment order and order the obligor to make payments directly to the obligee if the court approves an alternate payment plan as provided in RCW 26.23.050(2).

**Sec. 23.** RCW 26.19.001 and 1988 c 275 s 1 are each amended to read as follows:

The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' own income(,) and resources(~~(, and standard of living)~~) while recognizing that all parties to a divorce may by necessity suffer a reduced standard of living as a result of the divorce. The legislature also intends that the child support obligation should be equitably apportioned between the parents.

The legislature finds that these goals will be best achieved by the adoption and use of a state-wide child support schedule. Use of a state-wide schedule will benefit children and their parents by:

(1) Increasing the adequacy of child support orders through the use of economic data as the basis for establishing the child support schedule;

(2) Increasing the equity of child support orders by providing for comparable orders in cases with similar circumstances; and

(3) Reducing the adversarial nature of the proceedings by increasing voluntary settlements as a result of the greater predictability achieved by a uniform state-wide child support schedule.

**NEW SECTION. Sec. 24. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Instructions" means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) "Multiple families" means all the possible combinations of families in which a party has children from more than one relationship to whom the party owes a duty to support. Possible combinations include any natural, adopted, or stepchildren to whom the person owes a duty of support, whether or not the children are illegitimate or were born during a former or existing marriage, and whether or not the children reside with the person obligated to support them.

(8) "Standards" means the standards for determination of child support as provided in sections 27 through 33 of this act and RCW 26.19.090.

(9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(11) "Worksheets" means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

Sec. 25. RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each amended to read as follows:

~~(If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.)~~

ECONOMIC TABLE  
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD  
KEY: A = AGE 0-11 B = AGE 12-18

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY		TWO CHILDREN FAMILY	
	A	B	A	B
0	For income less than \$600 the obligation			
100	is based upon the resources and living expenses			
200	of each household. Minimum support shall not			
300	be less than \$25 per child per month.			
400				
500				
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	598
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	866	545	673
4800	713	882	554	685
4900	726	897	564	697
5000	738	912	574	708
5100	751	928	584	720
5200	763	943	593	732
5300	776	959	602	744
5400	788	974	612	756
5500	800	989	622	768
5600	812	1004	632	779
5700	825	1019	641	791
5800	837	1035	650	803
5900	850	1050	660	815
6000	862	1065	670	827
6100	875	1081	680	839
6200	887	1096	689	851
6300	899	1112	699	863
6400	911	1127	709	875
6500	924	1142	718	887
6600	936	1157	728	899

6700	949	1172	737	911
6800	961	1188	747	923
6900	974	1203	757	935
7000	986	1218	767	946

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COMBINED  
MONTHLY  
NET  
INCOME

THREE  
CHILDREN  
FAMILY

FOUR  
CHILDREN  
FAMILY

FIVE  
CHILDREN  
FAMILY

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	A	B	A	B	A	B
0	For income less than \$600 the obligation					
100	<u>is based upon the resources and living expenses</u>					
200	<u>of each household. Minimum support shall not</u>					
300	<u>less than \$25 per child per month.</u>					
400						
500						
600	86	106	73	90	63	78
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118
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
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

**NEW SECTION. Sec. 26.** The legislature shall review the support schedule every four years to determine if the application of the support schedule results in appropriate support orders.

**NEW SECTION. Sec. 27. STANDARDS FOR CHILD SUPPORT SCHEDULE APPLICATION.** (1) **Application of the child support schedule.** The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;

(d) In setting temporary and permanent support;

(e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and

(f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) **Written findings of fact supported by the evidence.** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation.

(3) **Completion of worksheets.** Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) **Court review of the worksheets and order.** The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

**NEW SECTION. Sec. 28. STANDARDS FOR ALLOCATION OF CHILD SUPPORT OBLIGATION BETWEEN PARENTS.** (1) The parents' total obligation for support shall be based on their combined monthly net income, resources, and special child rearing costs.

(2) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(3) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses, day care expenses, and special child rearing expenses such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic support obligation. These expenses may be listed as a specific dollar amount or as a percentage amount. Day care expenses include, but are not limited to, day care expenses incurred while the parent in custody of the child is working, pursuing accredited educational training, or obtaining medical care.

(4) The court shall exercise discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic support obligation.

**NEW SECTION. Sec. 29. STANDARDS FOR DETERMINATION OF INCOME.** (1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent as provided in sections 29 through 33 of this act. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Recurring bonuses;
- (f) Dividends;
- (g) Interest;
- (h) Trust income;
- (i) Severance pay;
- (j) Annuities;
- (k) Capital gains;
- (l) Pension retirement benefits;
- (m) Workers' compensation;
- (n) Unemployment benefits; and
- (o) Spousal maintenance actually received.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Nonrecurring income from bonuses, contract-related cash and noncash benefits, gifts, and prizes. The burden of proving that these sources of income are nonrecurring is on the parent seeking to exclude them from gross income;
- (d) Overtime, whether mandatory or voluntary;
- (e) If the parent has at least one full-time job that requires the parent to work a minimum of forty hours per week, income derived from a second job or additional jobs other than the full-time job;
- (f) Aid to families with dependent children;
- (g) Supplemental security income;
- (h) General assistance; and
- (i) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;
- (g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, age, and other relevant factors. A parent will not be deemed underemployed if that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

**NEW SECTION. Sec. 30.** Veterans' disability pensions or regular compensation for disability incurred in or aggravated by service in the United States armed forces paid by the veterans' administration shall be disclosed to the court. The court may consider either type of compensation as disposable income for purposes of calculating the child support obligation. Aid and attendant care payments to prevent hospitalization paid by the veterans' administration solely to provide physical home care for a disabled veteran, and special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r) to provide either special care or special aids, or both, to assist with routine daily functions shall also be disclosed. The court may not include either aid and attendant care or special medical compensation payments in gross income for purposes of calculating the child support obligation or for purposes of deviating from the standard calculation.

**NEW SECTION. Sec. 31.** Payments from any source, other than veterans' aid and attendance allowances or special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r), for services provided by an attendant in case of a disability when the disability necessitates the hiring of the services of an attendant shall be disclosed but shall not be included in gross income and shall not be a reason to deviate from the standard calculation.

**NEW SECTION. Sec. 32. STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION.** (1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following resources and income:

(i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;

(iii) Child support actually received from other relationships;

(iv) Overtime, whether mandatory or voluntary;

(v) Nonrecurring bonuses;

(vi) Contract-related cash benefits and contract-related noncash benefits that reduce living expenses;

(vii) Gifts;

(viii) Prizes;

(ix) Income derived from a second job or additional jobs that was excluded from gross income under section 29 of this act;

(x) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(xi) Extraordinary income of a child; or



(xii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or

(iv) Special medical, educational, or psychological needs of the children.

(c) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the house receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(d) **Multiple families.** The court may deviate from the standard calculation when either or both of the parents before the court have children in multiple families to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from families other than the children of the parties before the court shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children in the family before the court, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other families only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have multiple families, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children in the multiple families shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

**NEW SECTION. Sec. 33. STANDARDS FOR ESTABLISHING LOWER AND UPPER LIMITS ON CHILD SUPPORT AMOUNTS.** (1) **Limit at forty-five percent of a parent's net income.** Neither parent's total child support obligation may

exceed forty-five percent of net income except for good cause shown. Good cause includes but is not limited to possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) **Income below six hundred dollars.** When combined monthly net income is less than six hundred dollars, a support order of not less than twenty-five dollars per child per month shall be entered for each parent. A parent's support obligation shall not reduce his or her net income below the need standard for one person established pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per child per month as required in this section or in cases where the court finds reasons for deviation under section 32 of this act. This section shall not be construed to require monthly substantiation of income.

(3) **Income above five thousand and seven thousand dollars.** The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

Sec. 34. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended to read as follows:

#### STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS.

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support. The maximum amount of child support the court may award to pay for the cost of tuition is the amount of tuition set for students who are residents of the state of Washington who attend a state-funded four-year university.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must be enrolled in an accredited academic or vocational school, actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution ((or)). The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. The court-ordered postsecondary educational support ((may)) shall be automatically suspended during the period or periods the child fails to comply with these conditions. ~~((The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child.))~~ The court shall not order the payment of postsecondary educational

expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(4) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

**NEW SECTION. Sec. 35. REIMBURSEMENT AND VERIFICATION OF EXTRAORDINARY EXPENSES.** (1)(a) If sum certain amounts are established for day care, transportation costs, extraordinary health care, or other extraordinary expenses, and are set forth in the decree, those sums shall be payable as part of the regularly paid support transfer payment ordered by the court. The parent making the support transfer payment is entitled to proof of the amount paid for those expenses.

(b) If an amount for those expenses is not specified in the decree or those amounts fluctuate and are not part of the support transfer payment, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Reimbursement must be made promptly but not later than thirty days after receipt of proof of payment of these expenditures. The parent paying those expenses is entitled to proof of the amount paid for those expenses.

(2)(a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days, the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order. The office of support enforcement shall not request a wage assignment in any case of purported nonsupport without obtaining documentation from both parents, except that the office of support enforcement may request a wage assignment after receipt of documentation from the party seeking payment of the extraordinary expenses, if the parent obligated to make the payment fails to comply with the request for documentation within thirty days of the date requested.

**NEW SECTION. Sec. 36.** A new section is added to chapter 26.23 RCW to read as follows:

If a support order does not state the current and future support obligation for extraordinary expenses such as day care, extraordinary health care, long-distance transportation costs, other extraordinary expenses or other variable costs in a fixed dollar amount but states them as a percentage share of the costs or as variable expenses subject to collection as those expenses are incurred as provided in section 35 of this act, then the office of support enforcement must obtain documentation as required in this section prior to issuing a notice of support owed pursuant to RCW 26.23.110. The office of support enforcement must obtain documentation from the payee which verifies the actual expenditure of any variable expense or extraordinary expense that the office of support enforcement seeks to collect as part of the support debt. In addition, prior to issuing a notice of support owed under RCW 26.23.100, the

office of support enforcement must request documentation from the payor to determine whether the payor has paid all or a portion of the variable or extraordinary expenses or has any documentation regarding the amount of any variable or extraordinary expense the office of support enforcement seeks to collect. If the payor fails to respond to the request for documentation within thirty days from the date of the request, and the office of support enforcement has obtained documentation from the payee, the office of support enforcement may issue the notice of support owed pursuant to RCW 26.23.110.

Sec. 37. RCW 26.21.230 and 1963 c 45 s 30 are each amended to read as follows:

The obligee, the prosecuting attorney, or the attorney general may register the foreign support order in a court of this state in the manner(, with the effect and for the purposes herein) provided for in this chapter for the purpose of modification and enforcement of the support provisions. The court shall only have jurisdiction to consider the child support provisions of the order. The modification shall be pursuant to RCW 26.09.170 and 26.09.175.

Sec. 38. RCW 26.23.035 and 1989 c 360 s 34 are each amended to read as follows:

~~(1) ((The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under federal law. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.))~~ The department of social and health services shall adopt rules for the distribution of support money collected by the office of support enforcement. These rules shall:

(a) Comply with 42 U.S.C. Sec. 657;

(b) Direct the office of support enforcement to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The office of support enforcement cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The office of support enforcement may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application

for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

**Sec. 39.** RCW 26.23.050 and 1989 c 360 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation:

(a) A provision which orders and directs that the responsible parent make all support payments to the Washington state support registry;

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((:

~~(i) If a support payment is not paid when due, and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(ii)) at any time after entry of the court order ((for orders entered by the court on or after July 1, 1990)), unless:~~

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and

(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child.

(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. The court may approve such a plan and modify or terminate the payroll deduction or other income withholding action at the time of entry of the order or at a later date upon motion and agreement of the parties. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent(:

~~(a) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(b))) at any time after entry of the order ((for administrative orders entered on or after July 1, 1990)), unless:~~

~~(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or~~

~~(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.~~

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(:

~~(i) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(ii))) at any time after entry of an order by the court ((on or after July 1, 1990)), unless:~~

~~(i) The court approves an alternate payment plan under subsection (2) of this section;~~

~~(ii) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or~~

~~(iii) The parties reach an alternate agreement that is approved by the court that provides for an alternate arrangement;~~

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children;

(i) That the parties are to notify the Washington state support registry of any change in residence address;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

(6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20.040 to the fullest extent permitted under federal law.

(9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), ~~((2), or))~~ (3), or (4) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

**Sec. 40.** RCW 26.23.060 and 1989 c 360 s 32 are each amended to read as follows:

(1) The office of support enforcement may issue a notice of payroll deduction:

(a) As authorized by a support order that contains the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice; or

(b) After service of a notice containing an income withholding provision under this chapter or chapter 74.20A RCW.

(2) The ~~((department may))~~ office of support enforcement shall serve a notice of payroll deduction upon a responsible parent's employer ~~((for child support obligations if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be))~~ or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW by personal service or by any form of mail requiring a return receipt.

~~((2))~~ (3) Service of a notice of payroll deduction upon an employer or employment security department requires ~~((an))~~ the employer or employment security department to immediately make a mandatory payroll deduction from the responsible ~~((parent/employee's))~~ parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall

thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible ~~((parent/employee's))~~ parent's disposable earnings.

~~((3))~~ (4) A notice of payroll deduction for support shall have priority over any wage assignment ~~((or)),~~ garnishment, attachment, or other legal process.

~~((4))~~ (5) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the ~~((employee))~~ responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction ~~((by the employer));~~

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

~~((5))~~ (6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

~~((6))~~ (7) An employer ~~((who))~~ or employment security department that receives a notice of payroll deduction shall make immediate deductions from the ~~((employee's))~~ responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the ~~((employee))~~ responsible parent is due to be paid.

~~((7))~~ (8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or employment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known.

~~((8))~~ (9) The employer or employment security department may deduct a processing fee from the remainder of the ~~((employee's))~~ responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made ~~((by the employer))~~ to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

~~((9))~~ (10) The notice of payroll deduction shall remain in effect until released by the office of support enforcement ~~((or)),~~ the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2), or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent.

**Sec. 41.** RCW 26.23.070 and 1987 c 435 s 7 are each amended to read as follows:

(1) The employer or the employment security department may combine amounts withheld from the earnings of more than one ~~((employee))~~ responsible parent in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual ~~((employee)).~~



(2) No employer (~~who~~) nor employment security department that complies with a notice of payroll deduction under this chapter shall be civilly liable to the (~~employee~~) responsible parent for complying with a notice of payroll deduction under this chapter.

Sec. 42. RCW 26.23.100 and 1989 c 360 s 31 are each amended to read as follows:

(1) The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction.

(2) Except as provided in subsections (4) and (5) of this section, the court may grant relief only upon a showing: (a) That the payroll deduction causes extreme hardship or substantial injustice; or (b) that the support payment was not past due (~~in an amount equal to or greater than the support payable for one month~~) under the terms of the order when the notice of payroll deduction was served on the employer.

(3) Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction.

(4) If a notice of payroll deduction has been in operation for twelve consecutive months and the (~~obligor's~~) obligor's support obligation is current, upon motion of the obligor, the court may order the (~~Washington state~~) office of support (~~registry~~) enforcement to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

(5) Subsection (2) of this section shall not prevent the court from ordering an alternative payment plan as provided under RCW 26.23.050(2).

NEW SECTION. Sec. 43. A new section is added to chapter 26.23 RCW to read as follows:

The department shall be given twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance if the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030. Service of this notice upon the department shall be by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general. The department shall not be entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a subrogated interest and that the failure to serve the department was intentional.

Sec. 44. RCW 74.20.220 and 1979 c 141 s 367 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter and as required by federal law, the state department of social and health services, through the attorney general or prosecuting attorney, is hereby authorized to:

(1) (~~Represent~~) Initiate an action in superior court to obtain a support order or obtain other relief related to support for a dependent child (~~or dependent children~~) on whose behalf the department is providing public assistance (~~is being provided in obtaining any support order necessary to provide for his or their needs~~) or support enforcement services under RCW 74.20.040, or to enforce (~~any such order previously entered~~) a superior court order.

(2) (~~Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.~~

(3) ~~Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent,~~

~~for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding))~~ Appear as a party in dissolution, child support, parentage, maintenance suits, or other proceedings, for the purpose of representing the financial interest and actions of the state of Washington therein.

(3) Petition the court for modification of a superior court order when the office of support enforcement is providing support enforcement services under RCW 74.20.040.

(4) When the attorney general or prosecuting attorney appears in, defends, or initiates actions to establish, modify, or enforce child support obligations he or she represents the state, the best interests of the child relating to parentage, and the best interests of the children of the state, but does not represent the interests of any other individual.

(5) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his or her failure to comply with any order of support previously entered.

~~((5))~~ (6) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

(7) Nothing in this section limits the authority of the attorney general or prosecuting attorney to use any and all civil and criminal remedies to enforce, establish, or modify child support obligations whether or not the custodial parent receives public assistance.

Sec. 45. RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended to read as follows:

(1) The provisions of RCW 26.26.090 requiring appointment of a general guardian or guardian ad litem to represent the child in an action brought to determine the parent and child relationship do not apply to actions brought under chapter 26.26 RCW if:

~~((1))~~ (a) The action is brought by the attorney general on behalf of the department of social and health services((;)) and the child((~~-or the natural mother~~)); or

~~((2))~~ (b) The action is brought by any prosecuting attorney on behalf of the state((;)) and the child((~~-or the natural mother~~)) when referral has been made to the prosecuting attorney by the department of social and health services requesting such action.

(2) On the issue of parentage, the attorney general or prosecuting attorney functions as the child's guardian ad litem provided the interests of the state and the child are not in conflict.

(3) The court, on its own motion or on motion of a party, may appoint a guardian ad litem when necessary.

(4) The summons shall contain a notice to the parents that the parents have a right to move the court for a guardian ad litem for the child other than the prosecuting attorney or the attorney general subject to subsection (2) of this section.

Sec. 46. RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future (~~for such period of time as the child or children of said responsible parent or parents are in need~~). The hearing shall be held pursuant to (~~RCW 74.20A.055~~) this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. (~~Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise~~

appropriate when received by the department. ~~If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.~~

~~(3) Hearings may be held in the county of residence or other place convenient to the responsible parent.)~~ (3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future ~~((for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged)).~~ The notice and finding shall also include:

(a) A statement of the name of the recipient or custodian and the name of the child or children for whom ~~((need))~~ support is ~~((alleged))~~ sought; ~~((and/or))~~

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged~~((:));~~

~~((4) The notice and finding shall include)~~ (c) A statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future~~((:));~~

~~((The notice and finding shall include))~~

(d) A statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, ~~((or))~~ order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice.

(4) A responsible parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection. An adjudicative proceeding shall be held in the county of residence or other place convenient to the responsible parent.

(a) If the responsible parent files the application within twenty days, the department shall schedule an adjudicative proceeding to hear the parent's objection and determine the parents' support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If the responsible parent fails to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent files the application more than twenty days after, but within one year of the date of service, the department shall schedule an adjudicative proceeding to hear the parents' objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent files the application more than one year after the date of service, the department shall schedule an adjudicative proceeding at which the responsible parent must show good cause for failure to file a timely application. The

filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the parent's support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The responsible parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule (~~adopted under RCW 26.19.040~~) in making these determinations, the presiding or reviewing officer shall (~~comply with the provisions set forth in chapter 26.19 RCW~~) apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an (~~initial decision and~~) administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

~~((6)) (7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order. (PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.~~

~~(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040).~~

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

~~((9) "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter~~

from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.))

**NEW SECTION. Sec. 47.** A new section is added to chapter 74.20A RCW to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments as defined in section 24 of this act is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. **Sec. 48.** A new section is added to chapter 74.20A RCW to read as follows:

When providing support enforcement services, the office of support enforcement may take action, under this chapter and chapter 26.23 RCW, against a responsible parent's earnings, located in, or subject to the jurisdiction of, the state of Washington regardless of the presence or residence of the responsible parent. If the responsible parent resides in another state or country, the office of support enforcement shall serve a notice under RCW 74.20A.040 more than sixty days before taking collection action.

NEW SECTION. **Sec. 49.** The following acts or parts of acts are each repealed:

- (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;
- (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;
- (3) RCW 26.12.110 and 1949 c 50 s 11;
- (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;
- (5) RCW 26.12.130 and 1949 c 50 s 13;
- (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949 c 50 s 14;
- (7) RCW 26.12.150 and 1949 c 50 s 15;
- (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
- (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
- (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21.

NEW SECTION. **Sec. 50.** The following acts or parts of acts are each repealed:

- (1) RCW 26.19.010 and 1988 c 275 s 2;
- (2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440 s 2;
- (3) RCW 26.19.060 and 1988 c 275 s 7;
- (4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
- (5) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and
- (6) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

NEW SECTION. **Sec. 51.** Sections 16 through 18 of this act are each added to chapter 26.12 RCW.

NEW SECTION. **Sec. 52.** If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for section 19 of this act, referencing this act by bill number, section 19 of this act is null and void.

NEW SECTION. **Sec. 53.** If specific funding for the purposes of section 35 of this act, referencing section 35 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 35 of this act shall be null and void.

NEW SECTION. **Sec. 54.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 55.** This act shall take effect September 1, 1991.

NEW SECTION. **Sec. 56.** Sections 24, 26 through 33, and 35 of this act are each added to chapter 26.19 RCW.

NEW SECTION. **Sec. 57.** Captions as used in this act do not constitute any part of the law.

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.010, 26.09.015, 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225, 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220, 26.18.100, 26.18.110, 26.18.140, 26.19.001, 26.19.020, 26.19.090, 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100, 74.20.220, 74.20.310, and 74.20A.055; reenacting and amending RCW 26.09.260; adding new sections to chapter 26.12 RCW; adding new sections to chapter 26.19 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 74.20A RCW; creating new sections; repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing penalties; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Nelson moves that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5120.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5120.

The motion by Senator Nelson carried and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5120.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5120, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 36.

Voting nay: Senators M. Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Williams - 10.

Excused: Senators Conner, Sellar, Wojahn - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



## MOTION

On motion of Senator Adam Smith, Senator Niemi was excused.

## MESSAGE FROM THE HOUSE

April 19, 1991

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5591 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I  
PACKAGING"

**Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to:

(1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;

(2) Recover and recycle waste materials related to litter and littering;

(3) Foster private recycling and markets for recyclable materials; and

(4) Increase public awareness of the need for recycling and litter control. It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

**Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Department" means the department of ecology;

(2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Recycling" means ~~((the process of separating, cleansing, treating, and reconstituting used or discarded litter related materials for the purpose of recovering and reusing the resources contained therein))~~ transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;

(9) "Recycling center" means a central collection point for recyclable materials;

(10) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 103. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Container," unless otherwise specified, refers to "rigid plastic container" or "plastic bottle" as those terms are defined in this section.

(2) "Distributors" means those persons engaged in the distribution of packaged goods for sale in the state of Washington, including manufacturers, wholesalers, and retailers.

(3) "Label" means a molded, imprinted, or raised symbol on or near the bottom of a plastic container or bottle.

(4) "Person" means an individual, sole proprietor, partnership, association, or other legal entity.

(5) "Plastic" means a material made of polymeric organic compounds and additives that can be shaped by flow.

(6) "Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

(7) "Rigid plastic container" means a formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

NEW SECTION. Sec. 104. (1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nation-wide plastics industry standards.

(2) Except as provided in section 105(2) of this act, after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

(a) 1. = PETE (polyethylene terephthalate)

(b) 2. = HDPE (high density polyethylene)

(c) 3. = V (vinyl)

- (d) 4. = LDPE (low density polyethylene)
- (e) 5. = PP (polypropylene)
- (f) 6. = PS (polystyrene)
- (g) 7. = OTHER

**NEW SECTION. Sec. 105.** (1) A person who, after written notice from the department, violates section 104 of this act is subject to a civil penalty of fifty dollars for each violation up to a maximum of five hundred dollars and may be enjoined from continuing violations. Each distribution constitutes a separate offense.

(2) Retailers and distributors shall have two years from the effective date of this section to clear current inventory, delivered or received and held in their possession as of the effective date of this section.

**NEW SECTION. Sec. 106.** The legislature finds and declares that:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) Packaging comprises a significant percentage of the overall solid waste stream;

(3) The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;

(5) The intent of this chapter is to achieve a reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

**NEW SECTION. Sec. 107.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Manufacturer" means a person, firm, or corporation that applies a package to a product for distribution or sale.

(3) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

**NEW SECTION. Sec. 108.** The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in any product, package, or packaging component shall not exceed the following:

(1) Six hundred parts per million by weight effective July 1, 1993;

(2) Two hundred fifty parts per million by weight effective July 1, 1994; and

(3) One hundred parts per million by weight effective July 1, 1995 after the effective date of this section.

This section shall apply only to lead, cadmium, mercury, and hexavalent chromium that has been intentionally introduced as an element during manufacturing or distribution.

**NEW SECTION. Sec. 109.** All packages and packaging components shall be subject to this chapter except the following:

(1) Those packages or package components with a code indicating date of manufacture that were manufactured prior to the effective date of this section;

(2) Those packages or packaging components that have been purchased by, delivered to, or are possessed by a retailer on or before twenty-four months following the effective date of this section to permit opportunity to clear existing inventory of the proscribed packaging material;

(3) Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative; or

(4) Those packages and packaging components that would not exceed the maximum contaminant levels set forth in section 108(1) of this act but for the addition of postconsumer materials; and provided that the exemption for this subsection shall expire six years after the effective date of this section.

**NEW SECTION. Sec. 110.** By July 1, 1993, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this chapter shall be developed by its manufacturer. If compliance is achieved under the exemption or exemptions provided in section 109 (3) or (4) of this act, the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing company. The certificate of compliance shall be kept on file by the manufacturer for as long as the package or packaging component is in use, and for three years from the date of the last sale or distribution by the manufacturer. Certificates of compliance, or copies thereof, shall be furnished to the department of ecology upon request within sixty days. If manufacturers are required under any other state statute to provide a certificate of compliance, one certificate may be developed containing all required information.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer shall develop an amended or new certificate of compliance for the reformulated or new package or packaging component.

**NEW SECTION. Sec. 111.** Requests from a member of the public for any certificate of compliance shall be:

- (1) Made in writing to the department of ecology;
- (2) Made specific as to package or packaging component information requested;

and

- (3) Responded to by the department of ecology within ninety days.

**NEW SECTION. Sec. 112.** The department of ecology may prohibit the sale of any package for which a manufacturer has failed to respond to a request by the department for a certificate of compliance within the allotted period of time pursuant to section 110 of this act.

**NEW SECTION. Sec. 113.** By July 1, 1993, the solid waste advisory committee created under chapter 70.95 RCW shall report to the appropriate standing committees of the legislature on the need to further reduce toxic metals from packaging. The report shall contain recommendations to add other toxic substances contained in packaging to the list set forth in this chapter, including but not limited to mutagens, carcinogens, and teratogens, in order to further reduce the toxicity of packaging waste, and shall contain a recommendation regarding imposition of penalty for violation of section 108 of this act.

**Sec. 114.** RCW 70.95C.120 and 1989 c 431 s 54 are each amended to read as follows:

The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise

provided, five or more awards shall be granted to each of the three classes. Each award shall be a sum of not less than two thousand dollars nor more than five thousand dollars. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. ((Each)) A single award ((shall be of a sum)) of not less than ((ten)) five thousand dollars shall be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than five thousand dollars shall be presented to the school having the best waste reduction program as determined by the office. ((The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.))

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

NEW SECTION. Sec. 115. There is established the task force on recycling funding. The task force shall consist of fourteen members as follows: (1) Two members of the house committee on environmental affairs appointed by the chair of that committee with one member from each of the two caucuses; (2) two members of the senate committee on environment and natural resources appointed by the chair of that committee with one member from each of the two caucuses; (3) seven members representing manufacturers, wholesalers, retailers, cities, counties, solid waste collection companies, and an environmental organization appointed jointly by the chairs of the house committee on environmental affairs and the senate committee on environment and natural resources; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors. The agency representatives shall be nonvoting except for the election of the chair, which shall be made by a simple majority vote of all members.

The task force shall study long-term funding mechanisms and develop specific funding recommendations for the clean Washington center. The task force shall report its findings and recommended legislation to fund the clean Washington center to the appropriate standing committees of the legislature no later than December 1, 1991. The task force shall also study and make recommendations on long-term funding for integrated systems to reduce, collect, recycle, and dispose of materials.

This section shall expire January 1, 1993.

NEW SECTION. Sec. 116. Sections 103 through 105 of this act and sections 106 through 113 shall each constitute a new chapter in Title 70 RCW.

## "PART II CLEAN WASHINGTON CENTER"

NEW SECTION. Sec. 201. (1) The legislature finds that:

(a) Recycling conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, and promotes health and environmental protection;

(b) Seventy-eight percent of the citizens of the state actively participate in recycling programs and Washington currently has the highest recycling rate in the nation;

(c) The current supply of many recycled commodities far exceeds the demand for such commodities;

(d) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature; and

(e) The private sector has the greatest capacity for creating and expanding markets for recycled commodities, and the development of private markets for recycled commodities is in the public interest.

(2) It is therefore the policy of the state to create a single entity to be known as the clean Washington center to develop new, and expand existing, markets for recycled commodities.

**NEW SECTION. Sec. 202.** There is created the clean Washington center within the department of trade and economic development. As used in this chapter, "center" means the clean Washington center.

**NEW SECTION. Sec. 203.** The purpose of the center is to provide or facilitate business assistance, basic and applied research and development, marketing, public education, and policy analysis in furthering the development of markets for recycled products. As used in this chapter, market development consists of public and private activities that are used to overcome impediments preventing full use of secondary materials diverted from the waste stream, and that encourage and expand use of those materials and subsequent products. In fulfilling this mission the center shall primarily direct its services to businesses that transform or remanufacture waste materials into usable or marketable materials or products for use other than landfill disposal or incineration.

**NEW SECTION. Sec. 204.** (1) The center's activities shall be conducted with the assistance of a policy board. Except as otherwise provided, policy board members shall be appointed by the directors of the department of trade and economic development and department of ecology as follows:

(a) Two representatives of the legislature, one appointed by the speaker of the house of representatives and one appointed by the president of the senate;

(b) One member to represent cities;

(c) One member to represent counties;

(d) Five private sector members to represent the end users and marketers of postconsumer recovered materials, including one member to represent recycling businesses;

(e) The directors of the departments of trade and economic development and ecology shall represent the executive branch as nonvoting members; and

(f) Nonvoting, temporary appointments to the board can be made by the chair where specific expertise is needed.

(2) The initial appointments of the five private sector members will be two members with three-year terms and three members with two-year terms. Thereafter, members shall serve two-year renewable terms. Vacancies shall be filled by the chair with majority consent from the members.

(3) Members of the board, exclusive of those representing the legislative or executive branches, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet at least quarterly.

(5) The chair shall be elected from among the members by a simple majority vote.

(6) The board may adopt and exercise bylaws for the regulation of its business for the purposes of this chapter.

**NEW SECTION. Sec. 205.** The center shall:

(1) Provide targeted business assistance to recycling businesses, including:

(a) Development of business plans;

(b) Market research and planning information;

(c) Access to financing programs;

(d) Referral and information on market conditions; and

(e) Information on new technology and product development;

(2) Negotiate voluntary agreements with manufacturers to increase the use of recycled materials in product development;

(3) Support and provide research and development to stimulate and commercialize new and existing technologies and products using recycled materials;

(4) Undertake an integrated, comprehensive education effort directed to recycling businesses to promote processing, manufacturing, and purchase of recycled products, including:

(a) Provide information to recycling businesses on the availability and benefits of using recycled materials;

(b) Provide information and referral services on recycled material markets;

(c) Provide information on new research and technologies that may be used by local businesses and governments; and

(d) Participate in projects to demonstrate new market uses or applications for recycled products;

(5) Assist the departments of ecology and general administration in the development of consistent definitions and standards on recycled content, product performance, and availability;

(6) Undertake studies on the unmet capital needs of reprocessing and manufacturing firms using recycled materials;

(7) Undertake and participating in marketing promotions for the purposes of achieving expanded market penetration for recycled content products;

(8) Coordinate with the department of ecology to ensure that the education programs of both are mutually reinforcing, with the center acting as the lead entity with respect to recycling businesses, and the department as the lead entity with respect to the general public and retailers;

(9) Develop an annual work plan. The plan shall describe actions and recommendations for developing markets for commodities comprising a significant percentage of the waste stream and having potential for use as an industrial or commercial feedstock. The initial plan shall address, but not be limited to, mixed waste paper, waste tires, yard and food waste, and plastics; and

(10) Represent the state in regional and national market development issues.

**NEW SECTION. Sec. 206.** In order to carry out its responsibilities under this chapter, the center may:

(1) Receive such gifts, grants, funds, fees, and endowments, in trust or otherwise, for the use and benefit of the purposes of the center. The center may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(2) Initiate, conduct, or contract for studies and searches relating to market development for recyclable materials, including but not limited to applied research, technology transfer, and pilot demonstration projects;

(3) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies;

(4) Enter into, amend, and terminate contracts with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(5) Provide grants to local governments or other public institutions to further the development of recycling markets;

(6) Provide business and marketing assistance to public and private sector entities within the state; and

(7) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials.

**NEW SECTION. Sec. 207.** The center shall solicit financial contributions and support from manufacturing industries and other private sector sources, foundations, and grants from governmental sources to assist in conducting its activities. It may also use

separately appropriated funds of the department of trade and economic development for the center's activities.

NEW SECTION. Sec. 208. The center may appoint advisory committees to assist in the development or implementation of the work plan.

NEW SECTION. Sec. 209. The center shall terminate on June 30, 1997.

Sec. 210. RCW 43.31.545 and 1989 c 431 s 64 are each amended to read as follows:

~~((1))~~ The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state. ~~((This priority on creating and expanding a recyclables market should be fully integrated into the current targeted sector marketing programs of the department. In carrying out these marketing responsibilities, the department shall work closely with the office of waste reduction in the department of ecology.~~

~~(2) The department of trade and economic development, with the assistance of the department of ecology and the committee for recycling markets created by RCW 43.31.552, shall develop programs to accomplish the following:~~

~~(a) Develop new markets inside and outside this state for recycled materials;~~  
~~(b) Attract new businesses to this state whose purpose is to use recycled materials;~~

~~(c) Educate businesses and consumers about the high quality of Washington recycled materials;~~

~~(d) Promote business and consumer use of products made from recycled materials;~~

~~(e) Provide technical market assistance to businesses and local governments;~~

~~(f) Cooperate with and secure the cooperation of any department, agency, commission, or instrumentality in state or local government affected by or concerned with market development; and~~

~~(g) Create and maintain a list of recyclers, collectors, and other persons or entities interested in the development of markets for recycling and solicit the opinions of those persons with respect to market development.)~~

NEW SECTION. Sec. 211. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 212. A new section is added to chapter 70.93 RCW to read as follows:

There is created an account within the state treasury to be known as the clean Washington account. Moneys deposited in the clean Washington account shall be subject to appropriation and shall be used for the administration and implementation of the clean Washington center established under section 204 of this act.

NEW SECTION. Sec. 213. The following acts or parts of acts are each repealed:

(1) RCW 43.31.552 and 1989 c 431 s 100;

(2) RCW 43.31.554 and 1989 c 431 s 101; and

(3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

NEW SECTION. Sec. 214. Sections 201 through 208 of this act shall constitute a new chapter in Title 70 RCW.

### "PART III USED OIL RECYCLING"

NEW SECTION. Sec. 301. INTENT. (1) The legislature finds that:

(a) Millions of gallons of used oil are generated each year in this state, and used oil is a valuable petroleum resource that can be recycled;



(b) The improper collection, transportation, recycling, use, or disposal of used oil contributes to the pollution of air, water, and land, and endangers public health and welfare;

(c) The private sector is a vital resource in the collection and recycling of used oil and should be involved in its collection and recycling whenever practicable.

(2) In light of the harmful consequences of improper disposal and use of used oil, and its value as a resource, the legislature declares that the collection, recycling, and reuse of used oil is in the public interest.

(3) The department, when appropriate, should promote the rerefining of used oil in its grants, public education, regulatory, and other programs.

**NEW SECTION. Sec. 302. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Rerefining used oil" means the reclaiming of base lube stock from used oil for use again in the production of lube stock. Rerefining used oil does not mean combustion or landfilling.

(2) "Used oil" means (a) lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

(3) "Public used oil collection site" means a site where a used oil collection tank has been placed for the purpose of collecting household generated used oil. "Public used oil collection site" also means a vehicle designed or operated to collect used oil from the public.

(4) "Lubricating oil" means any oil designed for use in, or maintenance of, a vehicle, including, but not limited to, motor oil, gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum hydrocarbons with a flash point below one hundred degrees Centigrade.

(5) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, watercourse, or trail, and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, watercourse, or trail, except devices moved by human or animal power.

(6) "Department" means the department of ecology.

(7) "Local government" means a city or county developing a local hazardous waste plan under RCW 70.105.220.

**NEW SECTION. Sec. 303. PUBLIC USED OIL COLLECTION.** (1) Each local government and its local hazardous waste plan under RCW 70.105.220 is required to include a used oil recycling element. This element shall include:

(a) A plan to reach the local goals for household used oil recycling established by the local government and the department under section 304 of this act. The plan shall, to the maximum extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil. Where provided, the plan shall also incorporate residential collection of used oil;

(b) A plan for enforcing the sign and container ordinances required by section 305 of this act;

(c) A plan for public education on used oil recycling; and

(d) An estimate of funding needed to implement the requirements of this chapter. This estimate shall include a budget reserve for disposal of contaminated oil detected at any public used oil collection site administered by the local government.

(2) By July 1, 1993, each local government or combination of contiguous local governments shall submit its used oil recycling element to the department. The department shall approve or disapprove the used oil recycling element by January 1, 1994, or within ninety days of submission, whichever is later. The department shall approve or disapprove the used oil recycling element if it determines that the element is consistent with this chapter and the guidelines developed by the department under section 304 of this act.

(3) Each local government, or combination of contiguous local governments, shall submit an annual statement to the department describing the number of used oil collection sites and the quantity of household used oil recycled for the jurisdiction during the previous calendar year. The first statement shall be due April 1, 1994. Subsequent statements shall be due April 1st of each year.

Nothing in this section shall be construed to require a city or county to construct or operate a public used oil collection site.

**NEW SECTION. Sec. 304. RECYCLING GOALS.** (1) By July 1, 1992, the department shall, in consultation with local governments, prepare guidelines for the used oil recycling elements required by section 303 of this act. The guidelines shall:

(a) Require development of local collection and rerefining goals for household used oil for each entity preparing a used oil recycling element under section 303 of this act;

(b) Require local government to recommend the number of used oil collection sites needed to meet the local goals. The department shall establish criteria regarding minimum levels of used oil collection sites;

(c) Require local government to identify locations suitable as public used oil collection sites as described under section 303(1)(a) of this act.

(2) The department may waive all or part of the specific requirements of section 303 of this act if a local government demonstrates to the satisfaction of the department that the objectives of this chapter have been met.

(3) The department may prepare and implement a used oil recycling plan for any local government failing to complete the used oil recycling element of the plan.

(4) The department shall develop state-wide collection and rerefining goals for household used oil for each calendar year beginning with calendar year 1994. Goals shall be based on the estimated state-wide collection and rerefining rate for calendar year 1993, and shall increase each year until calendar year 1996, when the rate shall be eighty percent.

(5) By July 1, 1993, the department shall prepare guidelines establishing state-wide equipment and operating standards for public used oil collection sites. Standards shall:

(a) Allow the use of used oil collection igloos and other types of portable used oil collection tanks;

(b) Prohibit the disposal of nonhousehold-generated used oil;

(c) Limit the amount of used oil deposited to five gallons per household per day;

(d) Ensure adequate protection against leaks and spills; and

(e) Include other requirements deemed appropriate by the department.

**NEW SECTION. Sec. 305. SIGNS AND CONTAINERS.** (1) A person annually selling one thousand or more gallons of lubricating oil to ultimate consumers for use or installation off the premises, or five hundred or more vehicle oil filters to ultimate consumers for use or installation off the premises within a city or county having an approved used oil recycling element, shall:

(a) Post and maintain at or near the point of sale, durable and legible signs informing the public of the importance of used oil recycling and how and where used oil may be properly recycled; and

(b) Provide for sale at or near the display location of the lubricating oil or vehicle oil filters, household used oil recycling containers. The department shall design and print the signs required by this section, and shall make them available to local governments and retail outlets.

(2) A person, who, after notice, violates this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed one thousand dollars.

(3) The department is responsible for notifying retailers subject to this section.

(4) A city or county may adopt household used oil recycling container standards in order to ensure compatibility with local recycling programs.

(5) Each local government preparing a used oil recycling element of a local hazardous waste plan pursuant to section 303 of this act shall adopt ordinances within its jurisdiction to enforce subsections (1) and (4) of this section.

**NEW SECTION. Sec. 306. STATE-WIDE EDUCATION.** The department shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil in order to conserve resources and protect the environment. As part of this program, the department shall:

(1) Establish and maintain a state-wide list of public used oil collection sites, and a list of all persons coordinating local government used oil programs;

(2) Establish a state-wide media campaign describing used oil recycling;

(3) Assist local governments in providing public education and awareness programs concerning used oil by providing technical assistance and education materials; and

(4) Encourage the establishment of voluntary used oil collection and recycling programs, including public-private partnerships, and provide technical assistance to persons organizing such programs.

**NEW SECTION. Sec. 307. DISPOSAL OF USED OIL.** (1) Effective January 1, 1992, the use of used oil for dust suppression or weed abatement is prohibited.

(2) Effective July 1, 1992, no person may sell or distribute absorbent-based kits, intended for home use, as a means for collecting, recycling, or disposing of used oil.

(3) Effective January 1, 1994, no person may knowingly dispose of used oil except by delivery to a person collecting used oil for recycling, treatment, or disposal, subject to the provisions of this chapter and chapter 70.105 RCW.

(4) Effective January 1, 1994, no owner or operator of a solid waste landfill may knowingly accept used oil for disposal in the landfill.

(5) A person who violates this section is guilty of a misdemeanor.

**NEW SECTION. Sec. 308. USED OIL TRANSPORTER AND PROCESSOR REQUIREMENTS.** (1) By January 1, 1993, the department shall adopt rules requiring any transporter of used oil to comply with minimum notification, invoicing, recordkeeping, and reporting requirements. For the purpose of this section, a transporter means a person engaged in the off-site transportation of used oil in quantities greater than twenty-five gallons per day.

(2) By January 1, 1993, the department shall adopt minimum standards for used oil that is blended into fuels. Standards shall, at a minimum, establish testing and recordkeeping requirements. Unless otherwise exempted, a processor is any person involved in the marketing, blending, mixing, or processing of used oil to produce fuel to be burned for energy recovery.

(3) Any person who knowingly transports used oil without meeting the requirements of this section shall be subject to civil penalties under chapter 70.105 RCW.

(4) Rules developed under this section shall not require a manifest from individual residences served by a waste oil curbside collection program.

**NEW SECTION. Sec. 309. CAPTIONS NOT LAW.** Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. **Sec. 310.** SHORT TITLE. This chapter shall be known and may be cited as the used oil recycling act.

NEW SECTION. **Sec. 311.** A new section is added to chapter 70.94 RCW to read as follows:

**MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED FACILITIES.** (1) Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets the following standards:

- (a) Cadmium: 2 ppm maximum
- (b) Chromium: 10 ppm maximum
- (c) Lead: 100 ppm maximum
- (d) Arsenic: 5 ppm maximum
- (e) Total halogens: 1000 ppm maximum
- (f) Polychlorinated biphenyls: 2 ppm maximum
- (g) Ash: .1 percent maximum
- (h) Sulfur: 1.0 percent maximum
- (i) Flash point: 100 degrees Fahrenheit minimum.

(2) This section shall not apply to: (a) Used oil burned in space heaters if the space heater has a maximum heat output of not greater than 0.5 million btu's per hour or used oil burned in facilities permitted by the department or a local air pollution control authority; or (b) ocean-going vessels.

(3) This section shall not apply to persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

NEW SECTION. **Sec. 312.** A new section is added to chapter 70.105 RCW to read as follows:

Local governments and combinations of local governments shall amend their local hazardous waste plans required under RCW 70.105.220 to comply with section 303 of this act.

**Sec. 313.** RCW 70.95C.020 and 1990 c 114 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "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 RCW 70.95E.020 and 70.95E.030.

(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 March 21, 1990, 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 Reauthorization 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.

(14) "Plan" means the plan provided for in RCW 70.95C.200.

(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.

(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) "Used oil" means (a) lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

(21) "Waste" means any solid waste as defined under RCW 70.95.030, any hazardous waste, 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.

~~((21))~~ (22) "Waste generator" means any individual, business, government agency, or any other organization that generates waste.

~~((22))~~ (23) "Waste reduction" means all in-plant practices that reduce, avoid, or eliminate the 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 RCW 70.95C.200 through 70.95C.240, "waste reduction" refers to hazardous waste only.

**Sec. 314.** RCW 70.95C.200 and 1990 c 114 s 6 are each amended 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. Used oil to be rerefined or burned for energy or heat recovery shall not be used in the calculation of hazardous wastes generated for purposes of this section, and is not required to be addressed by plans prepared 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. 315.** The following acts or parts of acts are each repealed:

- (1) RCW 19.114.010 and 1983 c 137 s 1;
- (2) RCW 19.114.020 and 1983 c 137 s 2;
- (3) RCW 19.114.030 and 1983 c 137 s 3; and
- (4) RCW 19.114.900 and 1983 c 137 s 5.

NEW SECTION. **Sec. 316.** RCW 19.114.040 is recodified as a section in chapter 70.-- RCW (sections 301 through 310 of this act).

NEW SECTION. **Sec. 317.** Sections 301 through 310 of this act shall constitute a new chapter in Title 70 RCW.

#### "PART IV MISCELLANEOUS"

**Sec. 401.** RCW 70.95.040 and 1987 c 115 s 1 are each amended to read as follows:

(1) There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid and dangerous waste handling, resource recovery, and recycling, and shall supply recommendations concerning methods by which existing solid and dangerous waste handling, resource recovery, and recycling practices and the laws authorizing them may be supplemented and improved.

(2) The committee shall consist of at least eleven members, including the assistant director for ~~((the division of solid))~~ waste management programs within the department. The director shall appoint ~~((ten))~~ members with due regard to the interests of the public, local government, tribes, agriculture, industry, public health, ~~((and the refuse removal))~~ recycling industries, solid waste collection industries, and resource recovery industries. ~~((The director shall include among his ten appointees representatives of activities from which dangerous wastes arise and the Washington state patrol's hazardous materials technical advisory committee.))~~ The term of appointment shall be determined by the director. The committee shall elect its own ~~((chairman))~~ chair and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The committee shall each year recommend to the governor a recipient for a "governor's award of excellence" which the governor shall award for outstanding achievement by an industry, company, or individual in the area of hazardous waste or solid waste management.

NEW SECTION. **Sec. 402.** A new section is added to chapter 70.95 RCW to read as follows:

(1) Each local solid waste advisory committee shall conduct one or more meetings for the purpose of determining how local private recycling and solid waste collection businesses may participate in the development and implementation of



programs to collect source separated materials from residences, and to process and market materials collected for recycling. The meetings shall include local private recycling businesses, private solid waste collection companies operating within the jurisdiction, and the local solid waste planning agencies. The meetings shall be held during the development of the waste reduction and recycling element or no later than one year prior to the date that a jurisdiction is required submit the element under RCW 70.95.110(2).

(2) The meeting requirement under subsection (1) of this section shall apply whenever a city or county develops or amends the waste reduction and recycling element required under this chapter. Jurisdictions having approved waste reduction and recycling elements or having initiated a process for the selection of a service provider as of the effective date of this act do not have to comply with the requirements of subsection (1) of this section until the next revisions to the waste reduction and recycling element are made or required.

(3) After the waste reduction and recycling element is approved by the local legislative authority but before it is submitted to the department for approval, the local solid waste advisory committee shall hold at least one additional meeting to review the element.

(4) For the purpose of this section, "private recycling business" means any private for-profit or private not-for-profit business that engages in the processing and marketing of recyclable materials.

**NEW SECTION. Sec. 403.** A new section is added to chapter 81.77 RCW to read as follows:

(1) A solid waste collection company collecting recyclable materials from residences shall utilize one or more private recycling businesses when arranging for the processing and marketing of such materials, if the following conditions are met:

(a) A recycling business is located within the county at the time the collection program commences or at any time that the solid waste collection company changes its existing processor;

(b) A local private recycling business is capable and competent to provide the processing and marketing service; and

(c) A local private recycling business offers to pay a price for the recyclable materials which is equal to or greater than the price offered by out-of-county private recyclers, or proposes a charge for the processing and marketing service which is equal to or less than the charge for the service available from an out-of-county private recycler.

(2) This section shall not apply to:

(a) Cities or towns who exercise their authority under RCW 81.77.130 to provide residential curbside collection of recyclable materials;

(b) A solid waste collection company that is directed by a city, town, or county to utilize a publicly owned recyclable processing facility located within such city, town, or county; or

(c) Counties which exercise their authority under RCW 36.58.040 to contract for the residential curbside collection of source separated recyclables.

This section shall not apply to programs for the collection of source separated recyclable materials where rates to implement the programs have been filed with the commission prior to the effective date of this act.

(3) For the purposes of this section, "private recycling business" means any private for-profit or private not-for-profit firm that engages in the processing and marketing of recyclable materials.

(4) This section is not enforceable by complaint filed with the commission.

**NEW SECTION. Sec. 404.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

**NEW SECTION. Sec. 405.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

**NEW SECTION. Sec. 406.** A new section is added to chapter 81.77 RCW to read as follows:

(1) If the commission authorizes a surcharge or reduced rate incentive based on a customer's participation in a company's curbside residential recycling program, customers participating in any other noncurbside recycling program approved by the jurisdiction shall be eligible for such incentives.

(2) For the purpose of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. It does not include any residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

**NEW SECTION. Sec. 407.** A new section is added to chapter 70.95 RCW to read as follows:

(1) No person may divert to personal use any recyclable material placed in a container as part of a recycling program, without the consent of the generator of such recyclable material or the solid waste collection company operating under the authority of a town, city, county, or the utilities and transportation commission, and no person may divert to commercial use any recyclable material placed in a container as part of a recycling program, without the consent of the person owning or operating such container.

(2) A violation of subsection (1) of this section is a class 1 civil infraction under chapter 7.80 RCW. Each violation of this section shall be a separate infraction.

**Sec. 408.** RCW 46.61.560 and 1984 c 7 s 72 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and

while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030.

NEW SECTION. **Sec. 409.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 410.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, 201 through 212 of this act shall be null and void.

NEW SECTION. **Sec. 411.** 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. 412.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 70.93.020, 70.93.030, 70.95C.120, 43.31.545, 70.95C.020, 70.95C.200, 70.95.040, and 46.61.560; adding a new section to chapter 70.93 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding new sections to chapter 70.95 RCW; adding new sections to chapter 81.77 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 19.114.040; repealing RCW 43.31.552, 43.31.554, 43.31.556, 19.114.010, 19.114.020, 19.114.030, and 19.114.900; prescribing penalties; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5591.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5591, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5591, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Excused: Senators Conner, Niemi, Sellar, Wojahn - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5591, 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.

#### MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Zellinsky and Betrozoff.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1231 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1231 and the Senate amendments thereto: Senators Patterson, Vognild and Nelson.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cantwell, Sheldon and Bowman.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1341 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1341 and the Senate amendments thereto: Senators Anderson, Owen and Amondson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1401 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Fraser and Holland.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 1401 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1401 and the Senate amendments thereto: Senators Craswell, Niemi and Saling.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1991

Mr. President:

The House (again) refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Grant and Nealey.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1426 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1426 and the Senate amendments thereto: Senators Hayner, Jesernig and Barr.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Nelson, Leonard and Winsley.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1440 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1440 and the Senate amendments thereto: Senators Matson, Murray and Bluechel.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1452 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, G. Fisher and Chandler.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 1452 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1452 and the Senate amendments thereto: Senators Patterson, Skratek and Nelson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1991

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5555 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber-dependent communities, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) The state is experiencing a dual economy, where growth is occurring rapidly in some areas and is occurring slowly or not at all in other areas. This uneven growth rate across the state is causing some areas to suffer negative impacts from too much growth while other areas experience difficulty in creating adequate economic development. Inadequate economic development is a serious threat to the public safety, health, and welfare of a community. The state has an interest in encouraging growth state-wide, which reduces the negative impacts of growth in rapidly growing areas and assists areas of the state in need of economic development.

(3) Timber-dependent communities are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(4) The revitalization and diversification of the economies of timber-dependent communities require the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy. Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in distressed areas in general and timber-dependent communities in particular. To accomplish this purpose, it is the intent of the legislature to:

(a) Increase the public financing of infrastructure necessary for economic development and make such financing more flexible;

(b) Increase and target the amount of public financing available to businesses to better create or preserve jobs through formation or expansion of viable enterprises;

(c) Provide technical and financial assistance to businesses to increase the export of products from timber-dependent communities;

(d) Increase the resources available to associated development organizations to provide economic and community development services in timber-dependent communities and to provide resource and referral services to the community regarding state and local economic and community development services;

(e) Increase training and retraining services accessible to timber-dependent communities; and

(f) Provide for coordination of noneconomic development services in timber-dependent communities as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

**Sec. 2.** RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

**INFRASTRUCTURE FINANCING--CERB--INTENT.** (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public



facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent communities do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent communities generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent communities.

Sec. 3. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) Until July 1, 1995, "timber-dependent community" means a county, city, or town located in a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred or more, or (c) an annual unemployment rate twenty percent or more above the state average.

(12) Until July 1, 1995, "small scale tourism project" means a project that where added to the current facilities in the area attracts additional visitors for overnight stays and will be used primarily by nonresidents of the immediate area. A small scale tourism project may be a new project or an expansion or refurbishment of an existing facility.

NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber-dependent communities that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Industrial projects must be approved by the local government and the associate development organization. Applicants must demonstrate that small scale tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a small scale tourism project.

(6) Applications must demonstrate local match and participation. The amount of local match shall not be less than twenty percent of the total dollar amount sought in the application. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for small scale tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities;

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals; and

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) This section shall expire July 1, 1995.

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

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

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

**Sec. 6.** RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

**INFRASTRUCTURE--CERB--REVOLVING LOAN FUND REPAYMENTS.** There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue

bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving fund shall be subject in all respects to chapter 43.88 RCW(~~(, but no appropriation is required to permit expenditures and payment of obligations from the fund)~~).

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW to read as follows:

**INCREASING EXPORTS FROM TIMBER-DEPENDENT COMMUNITIES.**

(1) Marketing is a vital element in expanding the economies of timber-dependent communities. The export of products produced in timber-dependent areas contributes substantial economic benefits to these communities, including an increase in jobs and an increase in tax revenues to the state and local governments.

(2)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber-dependent communities obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber-dependent communities.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in timber-dependent communities.

(3) The department may make rules that are necessary to carry out this section and to coordinate the services described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(4) For purposes of this section, the definition of "timber-dependent community" is the same as RCW 43.160.020.

NEW SECTION. Sec. 8. A new section is added to chapter 43.31 RCW to read as follows:

(1) The Washington wood products competitiveness commission is created. The commission shall have nine members as follows:

(a) One representative each from the departments of trade and economic development, community development, natural resources, and the employment security department appointed by the directors or the commissioners of the respective departments;

(b) One representative of the office of financial management, who shall chair the commission, appointed by the governor;

(c) One representative of the Washington hardwoods commission appointed by the hardwoods commission;

(d) One member representing primary wood products manufacturers appointed by the director of the department; and

(e) Two members representing secondary wood products manufacturers appointed by the director of the department.

(2) Since the best hope for quickly replacing some of the jobs being lost in primary manufacturing may be in value-added and secondary manufacturing, the legislature intends that the commission design a set of programs to stimulate the growth of value-added and secondary wood products manufacturing in Washington and increase the involvement of the wood products industry in value-added products and business networks.

(3) The legislature also intends that after two years, the commission become industry supported and industry operated.

(4) Members not representing state government shall serve a term of three years, with the initial members serving staggered terms of one year, two years, and three years as determined by the director of the department.

(5) Travel expenses may be reimbursed under RCW 43.03.050 and 43.03.060.

(6) Staff support for the commission shall be provided by the department.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.31 RCW to read as follows:

The Washington wood products competitiveness commission shall:

(1) Gather, analyze, and disseminate information about the competitiveness of the wood products industry in this state and make that information available to the wood products industry, state government, and the general public.

(2) Encourage cooperation among wood products firms through the formation of business networks to develop solutions to technology and product development problems, acquire and disseminate marketing information, promote and market wood products of this state, and address other common industry problems.

(3) Assist the department in the department's efforts to increase the competitiveness of the industry and increase the production of value-added products by contracting for feasibility studies and product research and development. The contracts under this subsection shall:

(a) Be of general benefit to the industry, rather than intended to benefit a specific firm; and

(b) Be for such activities as identifying options, assessing markets, evaluating business and financial risks, addressing production issues, and assessing new technologies.

(4) Work with state agencies, wood products firms, wood products industry associations, and institutions of higher education in this state to assure close coordination of all efforts to improve the competitiveness of the wood products industry in this state.

(5) Report periodically to the governor, the legislature, the wood products industry, and the general public on the competitive position of the wood products industry in this state, and make such recommendations as the commission determines appropriate for public or private actions needed to improve the competitiveness of the wood products industry in this state. The commission shall recommend, by January 1, 1992, how to change this public commission into a commodity-style industry commission, and recommend a fair method of assessment for the industry to fund the commission.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.31 RCW to read as follows:

The Washington wood products competitiveness commission may:

(1) Engage, with private sector funds only, in informational and promotional activities to increase the awareness and recognition of the value of wood products in this state and of the contribution of wood products to the economy of this state.

(2) Contract for research activities to develop and apply new technologies for wood products manufacture related to the commission's and the department's efforts

to make value-added wood products industries more competitive. Any public funds used for this subsection shall be matched at least dollar for dollar by private funds. In carrying out research for development and application of new manufacture technologies, the commission may promote activities including, but not limited to:

- (a) Improved utilization of wood wastes;
- (b) Improved utilization of lower grade and underutilized lumber;
- (c) Alternative uses for underutilized species of softwood and hardwood;
- (d) New and improved utilization of select and clear grade lumber to produce

high quality and high value-added wood products in Washington;

(e) Identifying unique properties and characteristics of wood species of this state and determining products particularly suited to those properties and characteristics; or  
 (f) Providing access to testing facilities and services for wood products firms in this state.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.06 RCW to read as follows:

**COORDINATION OF STATE AND LOCAL SERVICES.** (1) The governor, or the governor's designee, shall coordinate state noneconomic development related assistance provided to timber-dependent communities to ensure state services are delivered effectively and efficiently and coordinated locally with minimal duplication and maximum local access.

(2) Associate development organizations located in timber-dependent communities shall assist the governor in coordinating the delivery of state economic development related services locally. The associate development organization, as the primary local coordinating organization for state and local economic development services, shall provide resource and referral services to ensure state and local economic development services are delivered effectively and efficiently with minimal duplication and maximum local access.

NEW SECTION. **Sec. 12.** Subject to an appropriation in the 1991 omnibus appropriations act by June 30, 1991, for the purposes of this section, the department of trade and economic development shall contract with associate development organizations in timber-dependent communities to provide additional coordination and economic development services. For purposes of this subsection "timber-dependent community" means a distressed county, as defined in RCW 43.160.020, that meets at least one of the following two criteria for the most recent year such data is available: (1) A lumber and wood products employment location quotient at or above the state average or (2) a direct lumber and wood products job loss of one hundred or more. Associate development organizations shall provide representation on their board of directors of cities, counties, businesses, and community-based public service organizations.

NEW SECTION. **Sec. 13.** A new section is added to chapter 28B.50 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 14 through 18 of this act.

(1) "Board" means the state board for community college education.

(2) "Dislocated timber worker" means any individual who: (a) Has been terminated or received a notice of termination from employment in a timber-related industry assigned the major group standard industrial classification code "24" by the employment security department; and (b) at the time of last separation from employment, resided in or was employed in a timber-dependent community. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(3) "Timber-dependent community" means a county or a city or town located in a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one

hundred or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION.** Sec. 14. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated timber workers or their spouses. In administering the program, the board shall have the following powers and duties:

- (1) Appoint an advisory committee to assist the board in program design and funding distribution;
- (2) Allocate funding to community colleges attended by eligible dislocated timber workers;
- (3) Monitor the program and report on students' progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

**NEW SECTION.** Sec. 15. A new section is added to chapter 28B.50 RCW to read as follows:

In addition to the community college enrollment level funded by the omnibus appropriations act for the biennium ending June 30, 1993, the community college system is authorized to serve two hundred fifty full-time equivalent students in fiscal year 1992 and five hundred full-time equivalent students in fiscal year 1993. Under this program, the community colleges shall waive the tuition, services, and activities fees for dislocated timber workers or their spouses, enrolled as one of the full-time equivalent students allocated under this section, who do not receive federal tuition assistance for retraining, provided the dislocated timber worker provides verification of the following conditions:

- (1) The dislocated timber worker, during the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months each year; and
- (2) The unemployment of the dislocated timber worker is due to reduction in work force and not misconduct of the timber worker.

The dislocated timber workers or their spouses are eligible to receive waivers for a total of six quarters within a two-year time period and must be enrolled for a minimum of ten credits per quarter.

Dislocated timber workers or their spouses shall receive priority for the full-time equivalent student allocations authorized under this section. Funding for any full-time equivalent student enrollment allocations that are unused by June 30, 1993, shall lapse.

**NEW SECTION.** Sec. 16. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall administer a program designed to provide upper division higher education opportunities to dislocated timber workers, their spouses, and others in timber-distressed counties. In administering the program, the board shall have the following powers and duties:

- (1) Distribute funding for an institution of higher education to service Clallam county;
- (2) Appoint an advisory committee to assist the board in program design and future project selection;
- (3) Monitor the program and report on student progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

**NEW SECTION.** Sec. 17. A new section is added to chapter 28B.80 RCW to read as follows:

In consultation with Peninsula College, the higher education coordinating board shall contract with an institution of higher education to provide upper division classes to serve fifty full-time equivalent students per year in Clallam county. The institution shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institution providing the service shall waive the tuition, service, and activities fees for dislocated timber workers or their spouses enrolled as one of the full-time equivalent students allocated to the college under this section, provided the dislocated timber worker provides verification of the following conditions:

(1) The dislocated timber worker, during the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months of each year; and

(2) The unemployment of the dislocated timber worker is due to reduction in work force and not misconduct of the timber worker.

The dislocated timber worker or his or her spouse is eligible to receive waivers for a total of four semesters or six quarters within a two-year time period and must be enrolled for a minimum of ten credits per semester or quarter.

**NEW SECTION. Sec. 18.** A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated timber workers and their spouses shall receive priority for attendance in upper division courses allocated under section 17 of this act, offered in Clallam county. Remaining allocations may be distributed to others in the timber-dependent community.

**NEW SECTION. Sec. 19.** (1) The legislature finds and declares that:

(a) Families with children have been rendered homeless or are in imminent danger of becoming homeless as a result of a sudden job loss or other economic adversity;

(b) It is more economical and more socially desirable to enable people to retain possession of their houses or apartments and thereby avoid homelessness, than to house them in emergency shelters or in other facilities intended for short-term occupancy; and

(c) Economically distressed communities are faced with unique problems that require a comprehensive approach of housing and related support services.

(2) The legislature declares that a program designed to provide short-term financial assistance to assist with mortgage or rent payments and coordination of available support services is needed to keep people from becoming homeless.

**NEW SECTION. Sec. 20.** A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall develop and administer a homelessness prevention program for the purpose of providing grants and technical assistance to eligible organizations to operate local homelessness prevention and related support service programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department shall select at least five eligible organizations for purposes of implementing local homelessness prevention programs. The local homelessness prevention programs are designed to provide: (a) Interest-free loans of temporary mortgage or rental assistance on behalf of families with children in imminent danger of losing housing as a result of having insufficient income to pay mortgage or rental costs; (b) interest-free loans to make payments on machinery or equipment that is essential to the household's livelihood; or (c) technical assistance to eligible organizations to help recipient eligible organizations develop and implement local strategies to prevent homelessness. In selecting local programs under this section, the department shall give priority consideration to timber-dependent communities and shall consider:



(i) The eligible organization's ability, stability, and resources to implement the local homelessness prevention program;

(ii) The eligible organization's efforts to coordinate other support programs for the family, such as job search or job retraining programs;

(iii) The level of timber unemployment experienced by the jurisdiction; and

(iv) Other factors the department deems appropriate.

(3) The recipient eligible organization shall establish priorities of eligibility for temporary mortgage or rental assistance to assist families with children in retaining housing. The recipient eligible organization shall make a determination of eligibility regarding the family's eligibility to participate in the local homelessness prevention program. A determination shall include, but is not limited to:

(a) A determination that the family is subject to immediate eviction for foreclosure of nonpayment of mortgage installments or nonpayment of rent, when nonpayment is attributable to illness, unemployment, underemployment, or any other failure of resources beyond the person's control;

(b) A verification of the loss of income; and

(c) A determination that the family does not have the financial resources to make the required mortgage installment or rental payment, or installment payment on the equipment or machinery which is essential to the family's livelihood.

(4) No family shall continue to receive temporary mortgage or rental assistance under this section if alternative sources of mortgage or rental assistance under federal, state, or local sources becomes available.

**NEW SECTION. Sec. 21.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall adopt rules to implement section 20 of this act, including but not limited to:

(1) The maximum length of assistance available through section 20 of this act;

(2) The eligibility of and application process for eligible organizations;

(3) The criteria by which grants and technical assistance shall be provided to eligible organizations; and

(4) The criteria eligible organizations shall use when entering into contracts with families to make mortgage or rental assistance payments, or equipment or machinery payments on their behalf.

**NEW SECTION. Sec. 22.** (1) For the period beginning July 1, 1991, and ending June 30, 1993, in those areas designated by the department of community development as timber impact areas, the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this act, "public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

**NEW SECTION. Sec. 23.** (1) As authorized by section 22 of this act, the board shall establish criteria for awarding loans to local governments including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

NEW SECTION. **Sec. 24.** The public works board shall provide to the office of financial management and the legislative fiscal committees quarterly reports on loan applications under consideration and loans awarded by the board and a report by January 15, 1994, on the loans awarded through the biennium ending June 30, 1993. The board shall provide to the legislative fiscal committees a report on January 15, 1995, and January 15, 1996, identifying by county the economic growth and/or economic diversification attributable to the loan awards authorized by this act.

NEW SECTION. **Sec. 25.** (1) The legislature finds that an increase in unemployment due to the declining timber economy in the state is imminent. The legislature further recognizes that employment opportunities in state and local government in other natural resource management professions exist and that dislocated workers in the timber-related professions represent a potential work force in the areas of fisheries, wildlife, and recreation.

(2) The legislature further recognizes that employment opportunities in other natural resource management professions exist and that natural resource enhancements in the areas of fisheries, wildlife, and recreation can bring needed income to distressed local economies in the state. It is the intent of the legislature that dislocated timber workers be given training in and opportunities to compete for employment in other resource management professions, and to establish a pilot program in Skagit county to accomplish this objective. The Skagit river represents a potential recreational fishery that, if enhanced, will bring much needed income to Skagit county. Enhancements to the fishery on the Skagit river are planned over the next several years, and workers will be needed to fill these positions. Displaced timber workers will be available to do this work.

NEW SECTION. **Sec. 26.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dislocated timber worker" means any individual who: (a) Has been terminated or received a notice of termination from employment in a timber-related industry assigned the major group standard industrial classification code "24" by the employment security department; and (b) at the time of last separation from employment, resided in or was employed in a timber-dependent community. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(2) "Department" means the employment security department.

(3) "Project" means the natural resource worker project.

(4) "College" means Skagit Valley Community College.

(5) "Local development agency" means the economic development association of Skagit county.

**NEW SECTION. Sec. 27.** The department, subject to the availability of funding under section 28 of this act or an appropriation from the general fund, shall establish the natural resource worker project. The project shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated timber workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

**NEW SECTION. Sec. 28.** The department shall use federal funds that it receives for dislocated timber workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation.

**NEW SECTION. Sec. 29.** The project shall include the following elements:

- (1) Recruitment of dislocated timber workers;
- (2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;
- (3) On-the-job training in entry-level natural resource management skills;
- (4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

**NEW SECTION. Sec. 30.** The department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and
- (5) Placement in permanent positions.

**NEW SECTION. Sec. 31.** A pilot project shall be established, coordinated jointly by the department and the college, in Skagit county. The pilot project created in this section is subject to the department and the college acquiring funds for the pilot project from federal, state, or private sources. The project shall be of five years duration.

**NEW SECTION. Sec. 32.** The college shall develop a training program designed for dislocated timber workers and their spouses, and in doing so, shall:

(1) Consult with, at a minimum, the departments of natural resources, ecology, wildlife, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in Skagit county to determine minimum employment qualifications in the areas of natural resource management and enhancement of the Skagit river; and

(2) Develop a program that will provide needed educational skills to dislocated timber workers and their spouses.

**NEW SECTION. Sec. 33.** The department shall contract with the local development agency to coordinate with the college and the departments of wildlife, ecology, natural resources, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in assisting dislocated timber workers and their spouses in securing education and employment in the natural resource

professions. The local development agency shall also provide information on the training program established under section 32 of this act.

**NEW SECTION. Sec. 34.** The department and the college shall jointly report to the legislature on their progress by November 1 of each year, beginning in 1991 and ending November 1, 1996. This report shall include a college program description, numbers of students, numbers of referrals for existing positions by the local development agency, and numbers of positions filled by dislocated timber workers.

**NEW SECTION. Sec. 35.** Sections 25 through 34 of this act shall constitute a new chapter in Title 50 RCW.

**NEW SECTION. Sec. 36.** (1) Sections 13 through 18 of this act shall expire July 1, 1995.

(2) Sections 22 and 23 of this act shall expire on June 30, 1993.

(3) Sections 25 through 30 of this act shall expire August 1, 1996.

(4) Sections 31 through 34 of this act shall expire January 1, 1997.

**NEW SECTION. Sec. 37.** If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for any of sections 13 through 19 of this act, referencing those sections by bill number and section number, any section not referenced is null and void.

**NEW SECTION. Sec. 38.** The legislature finds that the family support centers currently operating in Washington state are effectively providing support to families. The legislature further finds that these centers are positively responding to needs identified by the families and communities served by the center and are therefore empowering those families and communities. It is the intent of the legislature to give timber-dependent communities the means to support and empower their families, particularly those families experiencing stress related to job loss, through the establishment of family support centers in those communities.

**NEW SECTION. Sec. 39.** A new section is added to chapter 43.121 RCW to read as follows:

The council shall contract for the operation of community-based family support centers. The council shall identify areas of need for such centers in timber-dependent communities and give priority to establishing centers in these locations. The council shall also give priority to applications from communities with high timber unemployment rates.

(1) Applicants for grants to operate a family support center shall be part of a community interagency team made up of private nonprofit or public agencies currently providing one or more of the services described in subsection (4) of this section. A lead agency shall be designated by the team as the grantee. Agencies participating in the team shall execute written interagency agreements regarding referrals and coordination of services.

(2) Family support centers shall be operated at a location in the community that is accessible to families.

(3) In awarding grants for the operation of family support centers and timber-dependent communities, preference shall be given to applications that are submitted by a county timber task force or that provide for locating the family support center at or near a job retraining center.

(4) Family support centers shall provide, at a minimum, parent support services. In addition, centers shall provide other services identified by the community to support families. Such services may include, but are not limited to, parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team. Child care services shall be available at the center for children while their parents are using the center.

(5) Twenty-five percent of the funding for a family support center shall be community matching funds provided by public or private entities in the community that

will be served by the center. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the community.

NEW SECTION. Sec. 40. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this section and for the lumber and wood products industry beginning with the third week after the first Sunday after the effective date of this section. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties beginning with the third week after a week in which the commissioner determines that a county has: (a) A county annual unemployment rate that is twenty percent or more above the state annual unemployment rate for the prior calendar year; and (b) a lumber and wood products employment location quotient that is at least twice the state average during the prior twelve-month period. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim, and shall be payable for up to five weeks following the completion of the training required by this section.

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

(d) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section, or, during his or her base year, earned wages in six hundred eighty hours of lumber and wood products employment; and

(b) Has received notice of a permanent termination of employment from the individual's employer or has been laid off and is unlikely to return to his or her previous employment because work opportunities at the individual's most recent workplace or in the individual's most recent occupation have been substantially reduced; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after the effective date of this section, whichever is later, unless the department determines that the

training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(e) For the purposes of this section:

(i) "Training program" means:

(A) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(B) A vocational training program at an educational institution that:

(I) Is training for a labor demand occupation;

(II) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(III) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under section 1 of this act.

(ii) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(iii) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(5) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. **Sec. 41.** TITLE. This act may be referred to as "the omnibus timber community assistance act."

NEW SECTION. **Sec. 42.** SECTION HEADINGS ARE NOT LAW. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 43.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 44.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 45.** Sections 1 through 12, 22, 23, 25 through 34, and 40 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, except for sections 22, 23, 25 through 34, and 40 of this act which shall take effect July 1, 1991.

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, and 43.160.080; adding new sections to chapter 43.160 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.06 RCW; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 43.121 RCW; adding a new section to chapter 50.22 RCW; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator McDonald moved that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 5555.

## POINT OF INQUIRY

Senator Snyder: "Senator McDonald, I understood that we were going to kinda skip a beat here and put the bill to conference--go right direct to conference. You are not ready for that, o.k."

The President declared the question before the Senate to be the motion by Senator McDonald that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5555.

The motion by Senator McDonald carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5555 and asks the House to recede therefrom.

## MOTION

At 10:45 a.m., on motion of Senator Newhouse, 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 recessed until 1:00 p.m.

The Senate was called to order at 1:12 p.m. by President Pritchard.

## MESSAGE FROM THE HOUSE

April 22, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, R. Meyers and Padden., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1510 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1510 and the Senate amendments thereto: Senators Roach, Stratton and Craswell.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1991

Mr. President:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1642,

HOUSE BILL NO. 1675,

ENGROSSED HOUSE BILL NO. 1723,

ENGROSSED HOUSE BILL NO. 1740,

SUBSTITUTE HOUSE BILL NO. 1771,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,

SUBSTITUTE HOUSE BILL NO. 1830,

SUBSTITUTE HOUSE BILL NO. 1852,

HOUSE BILL NO. 1853,

SUBSTITUTE HOUSE BILL NO. 1858,

SUBSTITUTE HOUSE BILL NO. 1919,

SUBSTITUTE HOUSE BILL NO. 2042,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Snyder, Senators Murray and Owen were excused.

## MESSAGE FROM THE HOUSE

April 19, 1991

Mr. President:



The House has passed SUBSTITUTE SENATE BILL NO. 5332 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.01 RCW to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reformatory institution account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house of representatives committee on capital facilities and financing, the senate committee on ways and means, and the legislative budget committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reformatory institution account. This subsection shall not apply to real property subject to binding conditions that conflict with the other provisions of this subsection.

(3) The department of natural resources shall manage all property subject to the charitable, educational, penal, and reformatory institution account and, in consultation with the department of social and health services and other affected agencies, shall adopt a plan for the management of real property subject to the account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

The department shall conduct an inventory of real properties as provided in section 1 of this act.

Sec. 3. RCW 43.79.201 and 1985 c 57 s 37 are each amended to read as follows:

(1) All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state treasury, into which fund there shall also be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. All earnings of investments of balances in the charitable, educational, penal and reformatory institutions account shall be credited to the ~~((general fund))~~ account.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for

persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled.

**Sec. 4.** RCW 43.185.110 and 1987 c 513 s 3 are each amended to read as follows:

The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low-income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

**NEW SECTION.** **Sec. 5.** A new section is added to chapter 79.01 RCW to read as follows:

Where C.E.P. & R.I. land has the potential for lease for commercial, industrial, or residential uses or other uses with the potential for high economic return and is within urban or suburban areas, the department of natural resources shall make every effort consistent with trust land management principles and all other provisions of law to lease the lands for such purposes, unless the land is subject to a lease to a state agency operating an existing state institution. The department of natural resources is authorized, subject to approval by the board of natural resources and only if a higher return can be realized, to exchange such lands for lands of at least equal value and to sell such lands and use the proceeds to acquire replacement lands. The department shall report to the appropriate legislative committees all C.E.P. & R.I. land purchased, sold, or exchanged. Income from the leases shall be deposited in the charitable, educational, penal, and reformatory institutions account. The legislature shall give priority consideration to appropriating one-half of the money derived from lease income to providing community housing for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled.

**NEW SECTION.** **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 43.79.201 and 43.185.110; adding new sections to chapter 79.01 RCW; adding a new section to chapter 43.20A RCW; and declaring an emergency."

On page 3, line 12 of the striking amendment, after "disabled." insert "If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community development for the housing assistance program under chapter 43.185 RCW., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Linda Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 5332.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5332, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Craswell, Johnson, Metcalf, Moore - 4.

Excused: Senators Murray, Owen, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5332, 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 McCaslin, Senator Craswell was excused.

## MESSAGE FROM THE HOUSE

April 19, 1991

## MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5358 with the following amendment:

On page 3, line 24 after "to" strike "March" and insert "September", and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Barr, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5358.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5358, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Metcalf, Moore - 2.

Excused: Senators Craswell, Murray, Owen, Sellar - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5358, 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.

## MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5474 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A task force is created to improve the collection and reporting of data about conditions affecting the education and well-being of children. The primary objective of the task force is to provide data aggregated by school districts for use by school districts and state and local policymakers in the planning and evaluation of local and state education programs, practices, and activities.

NEW SECTION. **Sec. 2.** (1) One representative shall be appointed to the task force created in section 1 of this act from each of the following: Office of the superintendent of public instruction, department of social and health services, department of health, employment security department, department of community development, department of information services, office of financial management, the administrator for the courts, Washington association of school administrators, Washington state school directors' association, the Washington state association of counties, the association of Washington cities, house of representative staff, and senate staff.

(2) The task force shall select a chair from among its members.

(3) The task force shall consult with the Washington school information processing cooperative, educational service districts, groups representing racial and ethnic minorities, and other interested parties.

(4) The Washington state institute for public policy shall coordinate and staff the task force, and may contract for technical consulting services as needed.

NEW SECTION. **Sec. 3.** The task force shall, by December 1, 1991:

(1) Identify the likely uses for demographic data on the education and well-being of children, and determine what type of data is needed, or would be useful, in the planning and evaluation of local and state education programs, practices, and activities;

(2) Determine the feasibility, cost, and actions required to aggregate the data identified in subsection (1) of this section by school districts;

(3) Determine the feasibility, cost, and actions required to report the data identified in subsection (1) of this section to school districts and state and local policymakers, ensuring that quality control and appropriate confidentiality and privacy safeguards are provided;

(4) Identify measures necessary to ensure the adequate collection and reporting of the data, including the use of common data definitions and reporting timelines;

(5) Implement those actions that can be taken with little or no cost, and identify actions, with proposed timelines, in which additional resources are required;

(6) Examine related issues as the task force deems appropriate; and

(7) Report to the appropriate committees of the legislature its findings, specific actions taken to improve data collection and reporting, and what additional actions and resources are needed to further improve data collection and reporting on the well-being and education of children.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. This act shall expire December 1, 1991.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "well-being;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Bailey, the Senate refuses to concur in the House amendments to Senate Bill No. 5474 and asks the House to recede therefrom.

#### MOTIONS

On motion of Senator Snyder, Senator Niemi was excused.

On motion of Senator Murray, Senator Moore was excused.

On motion of Senator Anderson, Senators Barr and Metcalf were excused.

#### MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5801 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A state highway to be known as state route number 19 is established as follows:

Beginning at a junction with state route number 104, thence northerly to a junction with state route number 20 near Old Fort Townsend state park.

**Sec. 2.** RCW 47.17.115 and 1979 ex.s. c 195 s 1 are each amended to read as follows:

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence ~~((in a))~~ northerly ~~((direction))~~ by way of Tekoa, Latab, Fairfield, and Rockford to a junction with state route number ~~((90))~~ 290 in the vicinity of ~~((Opportunity))~~ Millwood.

**NEW SECTION. Sec. 3.** A state highway to be known as state route number 96 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence easterly to a junction with state route number 9 in the vicinity of Ree's Corner.

**NEW SECTION. Sec. 4.** A state highway to be known as state route number 100 is established as follows:

Beginning at a junction with state route number 101 in Ilwaco, thence westerly and southerly to Fort Canby state park; also

Beginning at a junction with state route number 100 in Ilwaco, thence southerly to Fort Canby state park.

**Sec. 5.** RCW 47.17.170 and 1970 ex.s. c 51 s 35 are each amended to read as follows:

A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by ~~((the most feasible route by))~~ way of Long Beach to ~~((Ocean Park))~~ Leadbetter Point state park.

**NEW SECTION. Sec. 6.** A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 101 in the vicinity north of Forks, thence westerly to the Olympic national park boundary in the vicinity of La Push; also

Beginning at a junction with state route number 110 near the Quillayute river, thence westerly to the Olympic national park boundary in the vicinity of Moro.

**NEW SECTION. Sec. 7.** A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Sappho, thence northerly to a junction with state route number 112 in the vicinity of the Pysht River.

**NEW SECTION. Sec. 8.** A state highway to be known as state route number 116 is established as follows:

Beginning at a junction with state route number 19 in the vicinity of Irondale, thence easterly and northerly to Fort Flagler state park.

**NEW SECTION. Sec. 9.** A state highway to be known as state route number 117 is established as follows:

Beginning at a junction with state route number 101 in Port Angeles, thence northerly to the port of Port Angeles at Marine Drive.

**NEW SECTION. Sec. 10.** A state highway to be known as state route number 119 is established as follows:

Beginning at a junction with state route number 101 near Hoodspport, thence northwesterly to the Mount Rose development intersection.

**Sec. 11.** RCW 47.17.225 and 1970 ex.s. c 51 s 46 are each amended to read as follows:

A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number ~~((12))~~ 5 in the vicinity of ~~((Rochester))~~ Maytown, thence easterly ~~((and northeasterly))~~, northerly, and westerly by way of Millersylvania state park to a junction with state route number 5 ~~((in the vicinity of Maytown))~~ south of Tumwater.

NEW SECTION. **Sec. 12.** A state highway to be known as state route number 122 is established as follows:

Beginning at a junction with state route number 12 near Mayfield dam, thence northeasterly and southerly by way of Mayfield to a junction with state route number 12 in Mossyrock.

**Sec. 13.** RCW 47.17.255 and 1990 c 108 s 1 are each amended to read as follows:

A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 ~~((at Pomeroy, thence southeasterly to Peola))~~ in Clarkston, thence northeasterly and easterly by way of the Red Wolf crossing to the Idaho state line.

NEW SECTION. **Sec. 14.** A state highway to be known as state route number 131 is established as follows:

Beginning at the Gifford Pinchot national forest boundary south of Randle, thence northerly to a junction with state route number 12 in Randle.

**Sec. 15.** RCW 47.17.305 and 1970 ex.s. c 51 s 62 are each amended to read as follows:

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 ~~((in the vicinity west of))~~ near Port Orchard, thence ~~((northeasterly by way of Port Orchard))~~ easterly to ((Harper and)) the Washington state ferry dock at Point Southworth.

NEW SECTION. **Sec. 16.** A state highway to be known as state route number 163 is established as follows:

Beginning at a junction with state route number 16 in Tacoma, thence northerly to the Point Defiance ferry terminal.

**Sec. 17.** RCW 47.17.330 and 1979 ex.s. c 33 s 8 are each amended to read as follows:

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly by way of the vicinity of Auburn ~~((;))~~ and Kent ~~((; Renton, and Bryn Mawr))~~ to a junction with state route number 900 ~~((at Seattle))~~ in the vicinity of Renton.

**Sec. 18.** RCW 47.17.370 and 1979 ex.s. c 192 s 4 are each amended to read as follows:

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number ~~((18))~~ 516 in the vicinity ~~((west of Auburn))~~ of Kent, thence northerly to a junction with state route number 405 in the vicinity of Tukwila.

**Sec. 19.** RCW 47.17.375 and 1990 c 108 s 2 are each amended to read as follows:

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 128 in the vicinity of the Red Wolf crossing, thence westerly ~~((and northerly by way of Steptoe canyon to a junction~~

~~of state route number 195 in the vicinity of Colton. Until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 193)) to the port of Wilma.~~

NEW SECTION. Sec. 20. A state highway to be known as state route number 194 is established as follows:

Beginning at the port of Almota, thence northerly and easterly to a junction with state route number 195 in the vicinity of Pullman.

Sec. 21. RCW 47.17.410 and 1970 ex.s. c 51 s 83 are each amended to read as follows:

A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to ~~((a junction with state route number 209 at Lake Wenatchee; also~~

~~From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of)) Lake Wenatchee ((to Telma)) state park.~~

NEW SECTION. Sec. 22. A state highway to be known as state route number 225 is established as follows:

Beginning at a junction with state route number 224 in Kiona, thence northeasterly by way of Benton City to a junction with state route number 240 near Horn Rapids dam.

Sec. 23. RCW 47.17.460 and 1987 c 199 s 20 are each amended to read as follows:

A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number ~~((82 east of)) 22 in Mabton, thence northerly and northeasterly by way of Sunnyside(~~;- thence northeasterly)) to a junction with state route number 24.~~~~

NEW SECTION. Sec. 24. A state highway to be known as state route number 262 is established as follows:

Beginning at a junction with state route number 26 east of Royal City, thence northerly and easterly to a junction with state route number 17 west of Warden.

NEW SECTION. Sec. 25. A state highway to be known as state route number 263 is established as follows:

Beginning at the port of Windust, thence easterly and northerly to a junction with state route number 260 in Kahlotus.

NEW SECTION. Sec. 26. A state highway to be known as state route number 278 is established as follows:

Beginning at a junction with state route number 27 in Rockford, thence easterly and southerly to the Washington-Idaho boundary.

Sec. 27. RCW 47.17.517 and 1977 ex.s. c 224 s 1 are each amended to read as follows:

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in ~~((the)) East Wenatchee ((vicinity)), thence westerly across the Columbia river ((to the west pavement seat of the Columbia River bridge at milepost number 123.45)) and northwesterly to a junction with state route number 2 in Wenatchee.~~

Sec. 28. RCW 47.17.550 and 1971 ex.s. c 73 s 14 are each amended to read as follows:



A state highway to be known as state route number 303 is established as follows:

~~((Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Narrows to a junction with state route number 308 in the vicinity west of Keyport; also))~~

Beginning at a junction with state route number 304 at Bremerton, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number ~~((303, all within Bremerton))~~ 3 in the vicinity north of Silverdale.

NEW SECTION. Sec. 29. A state highway to be known as state route number 307 is established as follows:

Beginning at a junction with state route number 305 at Poulsbo, thence northeasterly to a junction with state route number 104 near Miller Lake.

NEW SECTION. Sec. 30. A state highway to be known as state route number 310 is established as follows:

Beginning at a junction with state route number 3 near Oyster Bay, thence easterly to a junction with state route number 304 in Bremerton.

NEW SECTION. Sec. 31. A state highway to be known as state route number 397 is established as follows:

Beginning at Game Farm Road in the vicinity of Finely, thence northwesterly and northerly across the Columbia River, thence easterly and northerly to a junction with state route number 395 in Pasco.

Sec. 32. RCW 47.17.615 and 1970 ex.s. c 51 s 124 are each amended to read as follows:

A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number ~~((4 in West Kelso))~~ 432 in Longview, thence northerly to a junction with state route number ~~((506 in the vicinity of Vader))~~ 5 at Castle Rock.

Sec. 33. RCW 47.17.625 and 1970 ex.s. c 51 s 126 are each amended to read as follows:

A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 ~~((at))~~ in the vicinity west of Longview, thence southeasterly ~~((by the most feasible route))~~ to a junction with state route number 5 south of Kelso.

Sec. 34. RCW 47.17.630 and 1987 c 199 s 25 are each amended to read as follows:

A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly to a junction with state route number 432 in Longview.

Sec. 35. RCW 47.17.650 and 1975 c 63 s 6 are each amended to read as follows:

A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battle Ground, thence northerly to Amboy, thence northeasterly by way of Cougar to the Cowlitz-Skamania county line; also

Beginning at a junction with state route number 503 in the vicinity of Yale, thence westerly to a junction with state route number 5 in the vicinity of Woodland.

Sec. 36. RCW 47.17.660 and 1970 ex.s. c 51 s 133 are each amended to read as follows:

A state highway to be known as state route number 505 is established as follows:

Beginning ~~((at a junction with state route number 5 west of Toledo))~~ in Winlock, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

**Sec. 37.** RCW 47.17.680 and 1979 ex.s. c 33 s 14 are each amended to read as follows:

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 705 at Tacoma, thence northeasterly to a junction with state route number 99 in the vicinity of Redondo; also

From a junction with state route number ~~((99 northeast of Redondo))~~ 516 at Des Moines, thence northerly ~~((via Des Moines))~~ to a junction with state route number 99 in Seattle ~~((= PROVIDED, That until state route number 705 is constructed and open to traffic on an anticipated new alignment, that portion of existing state route number 509 in Tacoma from state route number 5 northerly to the central business district shall remain on the state highway system)).~~

**Sec. 38.** RCW 47.17.695 and 1971 ex.s. c 73 s 16 are each amended to read as follows:

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point ~~((, thence northwesterly to a junction with state route number 5 in the vicinity north of Seattle)).~~

NEW SECTION. **Sec. 39.** A state highway to be known as state route number 519 is established as follows:

Beginning at a junction with state route number 90 in Seattle, thence westerly, and northerly to the Washington state ferry terminal.

NEW SECTION. **Sec. 40.** A state highway to be known as state route number 523 is established as follows:

Beginning at a junction with state route number 99 and Northeast 145th Street in Seattle, thence easterly to a junction with state route number 522.

**Sec. 41.** RCW 47.17.730 and 1984 c 7 s 137 are each amended to read as follows:

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number ~~((527. Until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 524))~~ 522 near Maltby.

**Sec. 42.** RCW 47.17.752 and 1971 ex.s. c 73 s 19 are each amended to read as follows:

A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence westerly and northerly through Everett to a junction with state route number 528 in Marysville.

**Sec. 43.** RCW 47.17.755 and 1983 c 131 s 1 are each amended to read as follows:

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 ~~((at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route~~

~~number 5, thence easterly to a junction with state route number 9 at)) in the vicinity west of Arlington, thence easterly ((to)) and northerly by way of Darrington((, thence northerly)) to a junction with state route number 20 ((at)) in the vicinity of Rockport.~~

NEW SECTION. Sec. 44. A state highway to be known as state route number 531 is established as follows:

Beginning at Wenberg state park, thence northerly and easterly to a junction with state route number 9 in the vicinity north of Marysville.

NEW SECTION. Sec. 45. A state highway to be known as state route number 548 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Ferndale, thence westerly and northerly to a junction with state route number 5 in Blaine.

Sec. 46. RCW 47.17.824 and 1984 c 197 s 3 are each amended to read as follows:

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 ~~((at the Selah interchange, thence northerly to a junction with Fasset Avenue))~~ in the vicinity of Selah northerly by way of Selah and easterly to a junction with state route number 821 in the vicinity of the firing center interchange.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

Sec. 47. RCW 47.17.825 and 1979 ex.s. c 33 s 16 are each amended to read as follows:

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number ~~((99))~~ 5 in Seattle near the Duwamish River, thence ~~((easterly and))~~ southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

Sec. 48. RCW 47.17.830 and 1971 ex.s. c 73 s 24 are each amended to read as follows:

A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ~~((west))~~ east of Lake Sammamish to a junction with state route number ~~((908))~~ 202 in the vicinity of Redmond.

Sec. 49. RCW 47.17.835 and 1970 ex.s. c 51 s 168 are each amended to read as follows:

A state highway to be known as state route number 902 is established as follows:

Beginning ~~((in the vicinity of the state custodial school, thence northerly to))~~ at a junction with state route number 90, thence northwesterly, northerly, northeasterly, and easterly, via the town of Medical Lake, ((thence northeasterly and easterly)) to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

Sec. 50. RCW 47.17.855 and 1971 ex.s. c 73 s 27 are each amended to read as follows:

A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number ~~((520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity~~

ef) 405 in Kirkland, thence easterly to a junction with state route number 202 in the vicinity of Redmond.

**NEW SECTION. Sec. 51.** A state highway to be known as state route number 971 is established as follows:

Beginning at a junction with state route number 97-alternate in the vicinity of Winesap, thence northerly to Lake Chelan state park, thence southeasterly to a junction with state route number 97-alternate west of Chelan.

**Sec. 52.** RCW 47.24.020 and 1987 c 68 s 1 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for the stability of slopes of cuts and fills and the embankments within the right of way to protect the road itself until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise

which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for installing, operating, maintaining, and controlling such signals, signs, and devices until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

**NEW SECTION. Sec. 53.** (1) A task force is created to examine the population threshold at which cities and towns must assume additional responsibility for their streets that are part of the state highway system.

(2) The task force shall consist of eight members: (a) Four representatives from the department of transportation, with the assistant secretary for local programs acting as chair; (b) one representative from the association of Washington cities; (c) three city representatives selected by the association of Washington cities.

(3) The task force's study shall included, but is not limited to:

(a) Identifying the population threshold at which cities and towns must assume responsibility for the stability of slopes of cuts and fills, the embankments within the right of way, and traffic signals and other control devices on their streets that are part of the state highway system. The task force shall also determine whether the transfer of responsibilities will be incremental or total.

(b) Assessing a city's ability, including its staffing and technical capabilities, to assume responsibility for maintaining traffic signals and other control devices on their streets that are part of the state highway system.

(4) The task force must submit its findings and recommendations to the legislative transportation committee by July 1, 1992.

**Sec. 54.** RCW 47.39.020 and 1990 c 240 s 3 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastun;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of

Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

~~(18) ((State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;~~

~~(19))~~ (19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

~~((20))~~ (19) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

~~((21))~~ (20) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

~~((22))~~ (21) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

~~((23))~~ (22) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

~~((24))~~ (23) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

~~((25))~~ (24) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

~~((26))~~ (25) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

~~((27))~~ (26) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;



~~((28))~~ (27) State route number 901, beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ~~((west))~~ east of Lake Sammamish to a junction with state route number ~~((908))~~ 202 in the vicinity of Redmond. ~~((If the description of state route number 901 is changed after June 7, 1990, the revised route shall retain its status as part of the scenic and recreational highway system.))~~

**NEW SECTION. Sec. 55.** Although not part of the state highway system, the bridges designated in this section shall remain the continuing responsibility of the Washington state department of transportation. Continuing responsibility includes all structural maintenance, repair, and replacement of the substructure, superstructure, and roadway deck. Local agencies are responsible for snow and ice control, sweeping, striping, lane marking, and channelization.

**State of Washington Inventory of  
Bridges and Structures (SWIBS)**

**Facility  
Number**

S. Fork Skykomish River Bridge	WN-002000487032
Manette Bridge	WN-303250032700
Grays River Bridge (Rosburg)	WN-403000064300
Elochoman Bridge	WN-407000023300

**Sec. 56.** RCW 46.68.090 and 1990 c 42 s 102 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(c) From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty-five one-thousandths of one percent;

(d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);

~~((d))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3);

~~((e))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);

~~((f))~~ (g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);

~~((g))~~ (h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);

~~((h))~~ (i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);

~~((i))~~ (j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);

~~((j))~~ (k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7).

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

**Sec. 57.** RCW 82.36.025 and 1990 c 42 s 101 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (5) of this section.

(1) A motor vehicle fuel tax rate of seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel.

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) (~~and~~), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) (~~and~~), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) (~~and~~), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) (~~and~~), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to RCW 46.68.095.

**NEW SECTION. Sec. 58.** The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the transfer relief account to the department of transportation for the purposes of implementing the road jurisdiction study recommendations for funding assistance related to jurisdictional transfers.

**Sec. 59.** RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) (~~From July 1, 1987, through June 30, 1989,~~) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set

aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made))~~ From April 1, 1992, two percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the city hardship assistance account, hereby created in the motor vehicle fund, to implement the city hardship assistance program, as provided in section 60 of this act;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

NEW SECTION. Sec. 60. A new section is added to chapter 47.26 RCW to read as follows:

The board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria shall be used to implement the program:

(1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter ..., Laws of 1991 (this act), as determined by the board, may participate;

(2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;

(3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter ..., Laws of 1991 (this act); and

(4) The board shall also be authorized to allocate funds from the hardship account to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter ..., Laws of 1991 (this act), that occur after January 1, 1991.

NEW SECTION. Sec. 61. The sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the city hardship assistance account to the transportation improvement board for the purpose of implementing the city hardship assistance program as provided in section 60 of this act.

NEW SECTION. Sec. 62. A new section is added to chapter 47.26 RCW to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

NEW SECTION. Sec. 63. A new section is added to chapter 47.26 RCW to read as follows:

In addition to any other reports required by law, by August 1, 1991, the board shall submit to the legislative transportation committee a report setting forth its plans for implementing sections 60 and 62 of this act.

**Sec. 64.** RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

~~(5))~~ The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. **Sec. 65.** The following acts or parts of acts are each repealed:

- (1) RCW 47.17.245 and 1970 ex.s. c 51 s 50;
- (2) RCW 47.17.270 and 1970 ex.s. c 51 s 55;
- (3) RCW 47.17.415 and 1970 ex.s. c 51 s 84;
- (4) RCW 47.17.420 and 1971 ex.s. c 73 s 11 & 1970 ex.s. c 51 s 85;
- (5) RCW 47.17.450 and 1979 ex.s. c 33 s 12 & 1970 ex.s. c 51 s 91;
- (6) RCW 47.17.453 and 1975 c 63 s 11;
- (7) RCW 47.17.555 and 1970 ex.s. c 51 s 112;
- (8) RCW 47.17.590 and 1970 ex.s. c 51 s 119;
- (9) RCW 47.17.600 and 1970 ex.s. c 51 s 121;
- (10) RCW 47.17.620 and 1970 ex.s. c 51 s 125;
- (11) RCW 47.17.700 and 1971 ex.s. c 73 s 17 & 1970 ex.s. c 51 s 141; and
- (12) RCW 47.17.810 and 1970 ex.s. c 51 s 163.

NEW SECTION. **Sec. 66.** Sections 1, 3, 4, 6 through 10, 12, 14, 16, 20, 22, 24 through 26, 29 through 31, 39, 40, 44, 45, 51, and 55 of this act are each added to chapter 47.17 RCW.

NEW SECTION. **Sec. 67.** Prior to expending any amounts of the appropriation in section 58, chapter --, Laws of 1991 (section 58 of this act), the department of transportation shall, in cooperation with the association of Washington cities and the Washington state association of counties, establish rules governing the transfer relief account.

NEW SECTION. **Sec. 68.** (1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

(2) The remainder of this act shall take effect April 1, 1992.

On line 1 of the title, after "routes;" strike the remainder of the title, and insert "amending RCW 47.17.115, 47.17.170, 47.17.225, 47.17.255, 47.17.305, 47.17.330, 47.17.370, 47.17.375, 47.17.410, 47.17.460, 47.17.517, 47.17.550, 47.17.615, 47.17.625, 47.17.630, 47.17.650, 47.17.660, 47.17.680, 47.17.695, 47.17.730, 47.17.752, 47.17.755, 47.17.824, 47.17.825, 42.17.830, 42.17.835, 47.17.855, 47.24.020, 47.39.020, 46.68.090, 82.36.025, 46.68.110, and 46.68.120; adding new sections to chapter 47.17 RCW; adding new sections to chapter 47.26 RCW; creating new sections; repealing RCW 47.17.245, 47.17.270, 47.17.415, 47.17.420, 47.17.450, 47.17.453, 47.17.555, 47.17.590, 47.17.600, 47.17.620, 47.17.700, and 47.17.810; making appropriations; providing effective dates; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5801.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5801, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5801, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senator Skratek - 1.

Excused: Senators Barr, Metcalf, Moore, Niemi, Sellar, Vognild - 6.

ENGROSSED SENATE BILL NO. 5801, 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.

### MOTION

On motion of Senator Murray, Senator Pelz was excused.

### MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5873 with the following amendments:

On page 1, strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.400 RCW to read as follows:

(1) Retired and disabled school district employees shall be entitled to continue their participation in any insurance plans and contracts after their retirement or disablement for a period of at least thirty months. These retired or disabled employees shall bear the full cost of premiums required to provide the coverage.

(2) This section applies to:

(a) School district employees who retire or are disabled after the effective date of this act; and

(b) School district employees who retired within the eighteen-month period ending on the effective date of this act.

(3) School district employees who retired more than eighteen months before the effective date of this act and who were covered by a school district's insurance plan on January 1, 1991, may continue their coverage for a period of at least one year from the effective date of this act.

NEW SECTION. Sec. 2. (1) The Washington state health care authority shall study and develop recommendations regarding health care coverage for retired and disabled public school employees. The study shall include, but not be limited to, the following:

(a) Collection of information regarding the cost to both the school district and the retired or disabled employee of coverage, the prevalence of use of available coverage by retirees, and the types of coverage made available through school districts;

(b) Evaluation of the feasibility and cost implications to retired or disabled employees, the state, school districts, and active employees of: (i) Requiring school districts to allow retired employees to continue their employer-sponsored health care coverage at a reasonable cost to the employee; or (ii) Allowing retired or disabled school district employees to participate in insurance plans offered by the state employees' benefits board even if the retired or disabled employees did not participate in such plans as active employees;

(c) Development of mechanisms to pre-fund health care coverage for retired and disabled employees, through means such as contributions by active employees to a fund established to finance future retired and disabled employees' health care benefits, and voluntary contributions by active employees to individual medical accounts from which funds can be drawn upon retirement or becoming disabled to pay premiums and costs for health care coverage;

(d) Establishment of variable health care coverage premium rates for retired or disabled employees based upon the individual retired or disabled individual's income; and

(e) Evaluation of any other areas deemed necessary by the health care authority.

(2) The health care authority may form technical advisory committees to assist with the study. The health care authority shall submit its findings and recommendations to the legislature by December 1, 1991.

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.400 RCW; and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator McDonald, the Senate concurred in the House amendments to Substitute Senate Bill No. 5873.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5873, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5873, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Hansen, Hayner - 2.

Excused: Senators Barr, Moore, Niemi, Pelz, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5873, 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.

## MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5745 with the following amendments:

On page 3, line 2, after "RCW 9.46.120(2)" strike ":" and insert "; or"

On page 3, after line 2, insert:

"(h) A location that possesses a valid license from the Washington state liquor board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of 10 or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations."

On page 3, after line 21, insert:

"(5) In no event may a licensee conduct any amusement game at a location described in subsections (2)(i) or (j) of this section, without, at the location of such games, providing adult supervision during all hours the licensee is open for business at such location, prohibiting school-age minors from playing licensed amusement games during school hours, maintaining full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and prohibiting minors from

playing the amusement games after 10:00 p.m. on any day.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5745.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5745, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5745, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Moore, Oke, Sellar - 4.

ENGROSSED SENATE BILL NO. 5745, 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.

### MESSAGE FROM THE HOUSE

April 23, 1991

Mr. President:

The House concurs in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1703 on page 8, lines 1 and 11, refuses to concur in the amendment(s) to page 21, line 9, and asks the Senate to recede therefrom., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate refuses to recede from the Senate amendment on page 21, line 9, to Substitute House Bill No. 1703 and requests of the House a conference thereon.

### APPOINTMENT OF CONFERENCE-COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1703 and the Senate amendments thereto: Senators von Reichbauer, Madsen and Oke.



## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1120 was returned to second reading and read the second time.

## MOTIONS

On motion of Senator Matson, the following amendment by Senators Matson, Madsen, Skratek and Amondson was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 67.16.010 and 1985 c 146 s 1 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Parimutuel machine" shall mean and include both machines at the track and machines at the satellite locations, that record parimutuel bets and compute the payoff.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

**Sec. 2.** RCW 67.16.014 and 1987 c 453 s 3 are each amended to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be

reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

~~((This section shall expire on October 31, 1991.))~~

Sec. 3. RCW 67.16.060 and 1985 c 146 s 4 are each amended to read as follows:

(1) It shall be unlawful:

(a) To conduct pool selling, bookmaking, or to circulate hand books; or

(b) To bet or wager on any horse race other than by the parimutuel method;

or

(c) For any licensee to take more than the percentage provided in RCW 67.16.170 and 67.16.175; or

(d) For any licensee to compute breaks in the parimutuel system otherwise than at ten cents.

(2) Any willful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter, the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final.

(3) The commission shall have power to exclude from any and all race courses of the state of Washington any person whom the commission deems detrimental to the best interests of racing or any person who willfully violates any of the provisions of this chapter or of any rule, regulation, or order issued by the commission.

(4) Every race meet held in this state contrary to the provisions of this chapter is hereby declared to be a public nuisance.

Sec. 4. RCW 67.16.100 and 1985 c 466 s 67 & 1985 c 146 s 6 are each reenacted and amended to read as follows:

~~((In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.))~~

(1) All sums paid to the commission under this chapter, ((together with all)) including those sums collected for license fees ((under the provisions of this chapter)) and excluding those sums collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be disposed of by the commission as follows:

~~((Twenty-two))~~ (a) Fifty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission.

~~((Forty))~~ (b) One percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund~~((, and))~~.

(c) Three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of trade and economic development for the sole purpose of assisting state trade fairs.

~~((Thirty-five))~~ (d) Forty-six percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW.

(2) Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 5. RCW 67.16.102 and 1982 c 132 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by ~~((RCW 67.16.100 and 67.16.130, as now or hereafter amended, and))~~ RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, ~~((or))~~ are of ten days or less ~~((or which))~~, and have an average daily handle of less than one hundred twenty thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100(1)(a) shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those race courses at which independent race meets are held which are nonprofit in nature and are of ten days or less: PROVIDED, That prior to receiving a payment under this section any new race course shall meet the qualifications set forth in this section for a period of two years: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

(2) The commission is authorized to pay at the end of the calendar year one-half of the one percent collected from a new licensee under subsection (1) of this section for reimbursement of capital construction of that new licensee's new race track for a period of five years. This reimbursement does not include interest earned on that one-half of one percent and such interest shall continue to be collected and disbursed as provided in RCW 67.16.101 and subsection (1) of this section.

Sec. 6. RCW 67.16.105 and 1987 c 347 s 4 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.210, the licensee shall pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:~~

~~(1) One half percent of the daily gross receipts, if the daily gross receipts are two hundred thousand dollars or less;~~

~~(2) One percent of the daily gross receipts, if the daily gross receipts are two hundred thousand one dollars to four hundred thousand dollars; and~~

~~(3) Four percent of the daily gross receipts if the daily gross receipts are four hundred thousand one dollars or more.)~~ (1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for

each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet. Said percentage shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall deposit these moneys in the Washington thoroughbred racing fund created in section 12 of this act.

**Sec. 7.** RCW 67.16.130 and 1985 c 146 s 8 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission (~~on or after January 1, 1974~~) may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

~~(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, shall withhold and shall pay daily to the commission the percentages authorized by RCW 67.16.105, 67.16.170, and 67.16.175.~~

~~(3))~~ Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ten days or less, and which has an average daily handle of one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

~~((4))~~ (3) As a condition to the reduction in fees as provided for in subsection (1) (~~hereof~~) of this section, all fees charged to horse owners, trainers, or jockeys, or

any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

Sec. 8. RCW 67.16.170 and 1987 c 347 s 2 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.220, race meets which have gross receipts of all parimutuel machines for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:~~

~~(1) On a daily handle of two hundred thousand dollars or less, the licensee shall retain fourteen and one half percent of such gross receipts;~~

~~(2) On a daily handle of two hundred thousand one dollars to four hundred thousand dollars, the licensee shall retain fourteen percent of such gross receipts; and~~

~~(3) On a daily handle of four hundred thousand one dollars or more, the licensee shall retain eleven percent of such gross receipts.))~~ (1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less may retain daily for each authorized day of racing fourteen and one-half percent of daily gross receipts of all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section may retain daily for each authorized day of racing the following percentages from the daily gross receipts of all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee may retain daily twelve and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee may retain daily fourteen percent of the daily gross receipts.

Sec. 9. RCW 67.16.175 and 1987 c 453 s 1 & 1987 c 347 s 3 are each reenacted and amended to read as follows:

~~(1) ((Except as provided for satellite wagers in RCW 67.16.210 and 67.16.220, daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:~~

~~(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five tenths percent of gross receipts on races with two or more selections and three and five tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain thirty one percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.~~

~~(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section.~~

~~(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.))~~ In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain daily for each authorized day of racing an additional six percent of the daily gross receipts of all parimutuel machines from exotic wagers at each race meet.

(2) Of the amounts retained in subsection (1) ((b) and (c)) of this section, ((one percent)) one-sixth shall be used for Washington-bred breeder awards((, not to exceed twenty percent of the winner's share of the purse)).

(3) ((Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen.

~~The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen.)~~ Of the amounts retained for breeder awards under subsection (2) of this section, twenty-five percent shall be retained by a new licensee for reimbursement of capital construction of the new licensee's new race track for a period of five years.

(4) As used in this section, "exotic ~~((raees))~~ wagers" means any multiple wager. Exotic ~~((raees))~~ wagers are subject to approval of the commission.

**Sec. 10.** RCW 67.16.200 and 1987 c 347 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location.

(b) The commission shall not allow a licensee to conduct satellite wagering at a satellite location within ~~((fifty air))~~ twenty ground miles of the licensee's racing facility. For purposes of this section, "ground miles" means miles measured from point to point in a straight line.

(c)(i) The commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ~~((air))~~ ground miles of the racing facility of another licensee who conducts race meets of thirty days or more, but only if the satellite location is the racing facility of another licensee who conducts race meets of thirty days or more and only if the licensee seeking to conduct satellite wagering suspends its program during the conduct of the meets of all licensees within fifty ~~((air))~~ ground miles; except that the commission may allow a licensee that conducts satellite wagering at another track, pursuant to this subsection, to use other satellite locations, used by that track with the approval of the owner of that track, even though those satellite locations are within a fifty ground mile radius.

(ii) Subject to subsection (1)(c)(i) of this section, the commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ~~((air))~~ ground miles of the racing facility of another licensee who conducts race meets of under thirty days, but only if the licensee seeking to conduct satellite wagering suspends its satellite program during the conduct of the meets of all licensees within fifty ~~((air))~~ ground miles.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, ~~((67.16.130,))~~ 67.16.170, and 67.16.175 ~~((67.16.210, and 67.16.220)).~~ A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

**Sec. 11.** RCW 67.16.230 and 1987 c 347 s 7 are each amended to read as follows:

The commission is authorized to establish and collect an annual fee for each separate satellite location. The fee to be collected from the licensee shall be set to

reflect the commission's expected costs of approving, regulating, and monitoring each satellite location, provided commission revenues generated under RCW ((67.16.210)) 67.16.105 from the licensee shall be credited annually towards the licensee's fee assessment under this section.

NEW SECTION. **Sec. 12.** A new section is added to chapter 67.16 RCW to read as follows:

The Washington thoroughbred racing fund is created in the state treasury. All receipts derived under RCW 67.16.105(4) from licensees who are nonprofit corporations and whose race meets are thirty days or more shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation. Expenditures from the account shall be expended to benefit and support interim continuation of thoroughbred racing, capital construction of a new race track facility, and programs enhancing the general welfare, safety, and advancement of the Washington thoroughbred racing industry.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

- (1) RCW 67.16.210 and 1987 c 347 s 5;
- (2) RCW 67.16.220 and 1987 c 347 s 6;
- (3) RCW 67.16.910 and 1990 c 297 s 24; and
- (4) RCW 67.16.911 and 1990 c 297 s 25.

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.

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 1 of the title, after "racing;" strike the remainder of the title and insert "amending RCW 67.16.010, 67.16.014, 67.16.060, 67.16.102, 67.16.105, 67.16.130, 67.16.170, 67.16.200, and 67.16.230; reenacting and amending RCW 67.16.100 and 67.16.175; adding a new section to chapter 67.16 RCW; repealing RCW 67.16.210, 67.16.220, 67.16.910, and 67.16.911; and declaring an emergency."

#### MOTION

On motion of Senator Matson, the rules were suspended, Engrossed Substitute House Bill No. 1120, as amended by the Senate, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Murray, Senator Mike Kreidler was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate, under suspension

of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Bluechel, Cantu, Craswell, Metcalf, L. Smith - 5.

Absent: Senator Hansen - 1.

Excused: Senators Barr, M. Kreidler, Moore, Niemi, Sellar - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, as amended by the Senate, under suspension of the rules, having received the 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

April 20, 1991

Mr. President:

The House concurs in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1137 on page 6, line 28, refuses to concur in the amendment to page 5, line 21, and asks the Senate to recede therefrom., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate refuses to recede and insists on its position on the Senate amendment on page 5, line 21, to Substitute House Bill No. 1137 and asks the House to concur therein.

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

### MOTION

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

### SENATE RESOLUTION 1991-8672

by Senators Hansen and von Reichbauer

WHEREAS, Under the provisions of the Federal Statehood Enabling Act, a bill approved by the Washington State Legislature of 1890 designated the city of Ellensburg as the site of a proposed normal school; and

WHEREAS, In the following year, a biennial appropriation for the intended school funded only its operations, and the use of classrooms loaned by the Ellensburg School District made possible the formal opening on September 6, 1891, of the Washington State Normal School; and



WHEREAS, In 1893, a capital appropriation of sixty thousand dollars permitted construction of the institution's first building erected on land deeded to the school's Trustees by the city of Ellensburg, and Barge Hall, named in recognition of the institution's first principal, was constructed, which today continues to serve an integral function in the conduct of University affairs; and

WHEREAS, In 1933, an enactment of the Legislature conveyed to the institution the right to confer degrees, following which a continuing expansion and elaboration in academic and degree programs, including graduate, interdisciplinary, and international studies, transformed the institution's educational role from one limited to the training of teachers to its status today as a multipurpose, comprehensive, regional university; and

WHEREAS, Commensurate with its increasing academic diversity, the school's name was changed by legislative action from Washington State Normal School to Central Washington College of Education in 1937, to Central Washington State College in 1961, and to Central Washington University in 1977; and

WHEREAS, Distinguished faculty and administrators have successfully acted in concert to fulfill the call for traditional educational values, to transmit new academic knowledge, technologies, and methods, and to prepare for the imminent educational challenges inherent in a new century; and

WHEREAS, Ceremonies scheduled by Central Washington University for May 11, 1991, will formally open a year-long centennial observance, which will include the one hundredth commencement ceremony scheduled for June 8, 1991;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and proclaim the one hundredth anniversary of the founding of Central Washington University and the celebratory events of the year as the university enters its second century of service to the state of Washington reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Dr. Donald L. Garrity, President; Dr. R. Y. Woodhouse, Chair of the Board of Trustees; and Mrs. Gail K. Jones, Chair of the Centennial Committee; all of Central Washington University.

Senators Hansen and Owen spoke to Senate Resolution 1991-8672.

#### MOTION

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

#### SENATE RESOLUTION 1991-8673

By Senators Talmadge and Kreidler

WHEREAS, Morris K. "Mo" Udall has been a member of the United States House of Representatives for three decades; and

WHEREAS, "Mo" Udall served with distinction throughout those years bringing the state of Arizona honor, distinction, and attention; and

WHEREAS, "Mo" Udall represents the best of the values of the American west; and

WHEREAS, "Mo" Udall's career included successful efforts in the areas of campaign reform, preservation of our natural heritage, and championing the rights of working men and women; and

WHEREAS, "Mo" Udall overcame great physical difficulties in his life and never let any of the difficulties defeat his devotion to his work as a public servant; and

WHEREAS, "Mo" Udall maintains a perspective on life that reflects both a sense of humor and a focus on accomplishment of goals; and

WHEREAS, "Mo" Udall's career in the United States House of Representatives has come to a premature end due to circumstances beyond his control; and

WHEREAS, The end of "Mo" Udall's service in the House of Representatives is a loss to the entire nation as well as the state of Arizona;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington congratulates Representative Udall on his service and accomplishments and wishes him happiness in his post-Congressional work and life; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Representative Udall.

Senator Talmadge spoke to Senate Resolution 1991-8673.

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

### MESSAGE FROM THE HOUSE

April 20, 1991

Mr. President:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1326 and asks the Senate to recede therefrom., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1326 was returned to second reading and read the second time.

### MOTION

Senator Rasmussen moved that the following amendments by Senators Nelson, Talmadge and Rasmussen be considered simultaneously and be adopted:

On page 2, line 27, after "actual" insert "or" and after "costs" insert "whichever is less"

On page 3, line 4, after "actual" insert "or" and after "costs" insert "whichever is less"

Debate ensued.

#### MOTION

On motion by Senator Rasmussen, and there being no objection, the motion to adopt the amendments on page 2, line 27, and page 3, line 4, to Substitute House Bill No. 1326 was withdrawn.

#### MOTION FOR RECONSIDERATION

Having voted on prevailing side, Senator Nelson moved to reconsider the vote by which the amendment on page 2, line 27 and page 3, line 4, to Substitute House Bill No. 1326, were adopted April 11, 1991.

The motion for reconsideration of the amendments to Substitute House Bill No. 1326 carried.

#### MOTION

On motion of Senator Nelson, the amendments on page 2, line 27, and page 3, line 4, to Substitute House Bill No. 1326, which were adopted April 11, 1991, were not adopted, on reconsideration.

#### MOTION

Senator Nelson now moved to adopt the new amendments on page 2, line 27, and page 3, line 4, by Senators Nelson, Talmadge and Rasmussen to Substitute House Bill No. 1326 which Senator Rasmussen moved for adoption earlier.

The President declared the question before the Senate to be the motion by Senator Nelson to adopt the new amendments on page 2, line 27, and page 3, line 4, by Senators Nelson, Talmadge and Rasmussen to Substitute House Bill No. 1326.

The motion by Senator Nelson carried and the amendments were adopted.

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1326, as amended by the Senate, under suspension of the rules, 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. 1326, as amended by the Senate, under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1326, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 42.

Absent: Senators McDonald, Vognild, West - 3.

Excused: Senators Barr, Moore, Niemi, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, under suspension of the rules, having received the 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 2:29 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, April 24, 1991.

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

**ONE HUNDRED-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, April 24, 1991

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, Barr, Conner, Hansen, McMullen, Metcalf, Oke, Owen, Patterson, Sellar and Sutherland. On motion of Senator Anderson, Senators Amondson, Barr, Metcalf, Oke, Patterson and Sellar were excused. On motion of Senator Murray, Senators Conner, Hansen, McMullen, Owen and Sutherland were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sandi Sadlier and Tanya Rosanbalm, presented the Colors. Reverend Don Nicholson, pastor of the Victory 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  
GUBERNATORIAL APPOINTMENTS**

April 23, 1991

GA 9042      ROBERT M. TULL, reappointed July 1, 1990, for a term ending June 30, 1997, as a member of the Gambling Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9050      JULIE VRAVES ANDERSON, reappointed July 1, 1988, for a term ending June 30, 1994, as a member of the Gambling Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9060 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 Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9069 MARK C. ENDRESEN, reappointed November 17, 1989, for a term ending September 8, 1992, as a member of the Public Employment Relations Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9080 PATRICK J. GRAHAM, reappointed December 12, 1989, for a term ending June 30, 1995, as a member of the Gambling Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9083 D. G. HENDRICKS, 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 Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9092 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. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9107 JOHN B. L. PIERCE, appointed March 6, 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 Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9136 KRIS KELLY-WATKINS, appointed March 6, 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 Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9152 WILLIAM GLASSFORD IV, appointed December 20, 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 Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9154 JAMES L. WALESBY, appointed December 20, 1990, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules.

April 23, 1991

GA 9155 DUSTIN C. McCREARY, appointed January 8, 1991, for a term ending September 8, 1994, as a member of the Public Employment Relations Commission. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Singed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Murray and Skratek.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

April 23, 1991

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

I have the honor to advise you that on April 22, 1991, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5982

Relating to feeding school children during teachers' work stoppage.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor

#### MESSAGES FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker has signed:



SENATE BILL NO. 5004,  
SUBSTITUTE SENATE BILL NO. 5008,  
SENATE BILL NO. 5041,  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5077,  
SENATE BILL NO. 5107,  
SECOND SUBSTITUTE SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5128,  
SENATE BILL NO. 5141,  
SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5288,  
SUBSTITUTE SENATE BILL NO. 5322,  
SECOND SUBSTITUTE SENATE BILL NO. 5341,  
SENATE BILL NO. 5367,  
SUBSTITUTE SENATE BILL NO. 5374,  
SENATE BILL NO. 5441,  
SUBSTITUTE SENATE BILL NO. 5504,  
SUBSTITUTE SENATE BILL NO. 5520,  
SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5583,  
SENATE BILL NO. 5585,  
SUBSTITUTE SENATE BILL NO. 5626,  
SENATE BILL NO. 5651,  
SUBSTITUTE SENATE BILL NO. 5762,  
SENATE BILL NO. 5767,  
SENATE BILL NO. 5778,  
SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5835,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE JOINT MEMORIAL NO. 8000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1152, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1051,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,  
 HOUSE BILL NO. 1536,  
 ENGROSSED HOUSE BILL NO. 1572,  
 SUBSTITUTE HOUSE BILL NO. 1586,  
 SUBSTITUTE HOUSE BILL NO. 1629,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1671,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,  
 SUBSTITUTE HOUSE BILL NO. 1710,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
 SUBSTITUTE HOUSE BILL NO. 1743,  
 SUBSTITUTE HOUSE BILL NO. 1828,  
 ENGROSSED HOUSE BILL NO. 1883,  
 SUBSTITUTE HOUSE BILL NO. 1936,  
 SUBSTITUTE HOUSE BILL NO. 1997,  
 SUBSTITUTE HOUSE BILL NO. 2048,  
 SUBSTITUTE HOUSE BILL NO. 2140.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5983 by Senators Bluechel, Niemi, Thorsness, Skratek, Erwin and A. Smith

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.040 and 36.56.040; adding new sections to chapter 35.58 RCW; creating a new section; repealing RCW 35.58.120, 35.58.160, and 35.58.270; and declaring an emergency.

Referred to Committee on Governmental Operations.

SCR 8411 by Senators Madsen and Barr

Ordering the joint select committee on water resource policy to study rates.

Referred to Committee on Agriculture and Water Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1152 by Representatives Winsley, Leonard, Riley, Tate, Cole, Mitchell Dorn, Wineberry, Scott, Rust, Roland, Valle, R. Johnson, Franklin and Anderson

Excluding certain child support from food stamp need and eligibility determination.

Referred to Committee on Ways and Means.

## MOTION

On motion of Senator Newhouse, Senate Rule 46 was suspended and the members of the Committee on Environment and Natural Resources Committee were excused from the Senate until the meeting concluded.

EDITOR'S NOTE: Rule 46 - No committee shall sit during the daily session of the senate unless by special leave.

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

## MESSAGE FROM THE HOUSE

April 11, 1991

MR. PRESIDENT:

The House passed SENATE BILL NO. 5442 with the following amendment:

On page 2, line 15, after "facility" strike the remainder of the section and insert ", and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category (~~and at least five years' riding experience~~).", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Senate Bill No. 5442.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5442, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 1; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Pelz, Rasmussen, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 37.

Voting nay: Senator Roach - 1.

Excused: Senators Amondson, Barr, Conner, Hansen, McMullen, Metcalf, Oke, Owen, Patterson, Sellar, Sutherland - 11.

SENATE BILL NO. 5442, 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.

## SIGNED BY THE PRESIDENT

The President signed

SECOND SUBSTITUTE SENATE BILL NO. 5022,  
SENATE BILL NO. 5043,  
SENATE BILL NO. 5075,  
SECOND SUBSTITUTE SENATE BILL NO. 5083,  
SENATE BILL NO. 5104,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,  
SECOND SUBSTITUTE SENATE BILL NO. 5143,  
SENATE BILL NO. 5148,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5204,  
SENATE BILL NO. 5231,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5260,  
SUBSTITUTE SENATE BILL NO. 5261,  
SENATE BILL NO. 5264,  
SUBSTITUTE SENATE BILL NO. 5295,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,  
SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5456,  
SUBSTITUTE SENATE BILL NO. 5466,  
SENATE BILL NO. 5473,  
SUBSTITUTE SENATE BILL NO. 5478,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,  
SUBSTITUTE SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5501,  
SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5518,  
SENATE BILL NO. 5528,  
SUBSTITUTE SENATE BILL NO. 5536,  
SECOND SUBSTITUTE SENATE BILL NO. 5568,  
SUBSTITUTE SENATE BILL NO. 5611,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5624,  
SUBSTITUTE SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5632,  
SECOND SUBSTITUTE SENATE BILL NO. 5667,  
SUBSTITUTE SENATE BILL NO. 5669,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,  
SENATE BILL NO. 5678,  
SENATE BILL NO. 5684,  
SUBSTITUTE SENATE BILL NO. 5713,  
SUBSTITUTE SENATE BILL NO. 5720,  
SENATE BILL NO. 5766,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
SUBSTITUTE SENATE BILL NO. 5776,  
SENATE BILL NO. 5834,  
SECOND SUBSTITUTE SENATE BILL NO. 5882,

SENATE JOINT MEMORIAL NO. 8006.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329.

ALAN THOMPSON, Chief Clerk

## MOTION

At 9:39 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

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

## REPORTS OF STANDING COMMITTEES

April 24, 1991

ESHB 1427 Prime Sponsor, House Committee on Capital Facilities and Financing: Adopting the Capital Budget. 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, Matson, Newhouse, Rinehart, Saling, L. Smith, West.

HOLD.

April 24, 1991

ESHB 1430 Prime Sponsor, House Committee on Capital Facilities and Financing: Issuing general obligation and revenue bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Newhouse, Saling, L. Smith, West.

HOLD.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill 1427 and Engrossed Substitute House Bill No. 1430 were advanced to second reading and placed on the second reading calendar.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5184 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that the state's system of work force training and education is inadequate for meeting the needs of the state's workers, employers, and economy. A growing shortage of skilled workers is already hurting the state's economy. There is a shortage of available workers and too often prospective employees lack the skills and training needed by employers. Moreover, with demographic changes in the state's population employers will need to employ a more culturally diverse work force in the future.

The legislature further finds that the state's current work force training and education system is fragmented among numerous agencies, councils, boards, and committees, with inadequate overall coordination. No comprehensive strategic plan guides the different parts of the system. There is no single point of leadership and responsibility. There is insufficient guidance from employers and workers built into the system to ensure that the system is responsive to the needs of its customers. Adult work force education lacks a uniform system of governance, with an inefficient division in governance between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our educational institutions are not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our institutions of education place appropriate emphasis on the needs of employers and on the needs of the approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

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

- (1) "Board" means the work force training and education coordinating board.
- (2) "Director" means the director of the work force training and education coordinating board.
- (3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational

programs and courses, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

NEW SECTION. Sec. 3. There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

NEW SECTION. Sec. 4. The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board.

NEW SECTION. Sec. 5. (1) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(2) The business representatives shall be selected from among nominations provided by state-wide business organizations. The nominations and selections shall

reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(3) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(4) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(5) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(6) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(7) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(8) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(9) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(10) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(11) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(12) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(13) The board shall appoint a director who shall hold office at the pleasure of the board.

**NEW SECTION. Sec. 6.** (1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to the code of ethics contained in chapter 42.18 RCW.

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

**NEW SECTION. Sec. 7.** (1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform



such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

NEW SECTION. Sec. 8. The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

NEW SECTION. **Sec. 9.** The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

NEW SECTION. **Sec. 10.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board for vocational education shall be delivered to the custody of the work force training and education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board for vocational education shall be made available to the work force training and education coordinating board. All funds, credits, or other assets held by the state board for vocational education shall be assigned to the work force training and education coordinating board.

Any appropriations made to the state board for vocational education shall, on the effective date of this section, be transferred and credited to the work force training and education coordinating board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. **Sec. 11.** All employees of the state board for vocational education who are classified under chapter 41.06 RCW, the state civil service law, are assigned to the work force training and education coordinating board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. **Sec. 12.** All rules and all pending business before the state board for vocational education shall be continued and acted upon by the work force training and education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the work force training and education coordinating board.

NEW SECTION. **Sec. 13.** The transfer of the powers, duties, functions, and personnel of the state board for vocational education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. **Sec. 14.** If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. **Sec. 15.** Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 16.** (1) There is hereby created the Washington state job training coordinating council for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**NEW SECTION. Sec. 17.** (1) Current members of the Washington state job training coordinating council appointed pursuant to P.L. 97-300, as amended, shall serve as the state council for purposes of this chapter until new appointments are made consistent with this section.

(2) New appointments to the state council shall be made by July 1, 1991. Members of the Washington state job training council shall be appointed by the governor as required by federal law and shall be representative of the population of the state with regard to sex, race, ethnic background, and geographical distribution. To the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the work force training and education coordinating board. One voting member of the council shall be a representative of the administrators for the service delivery areas established under P.L. 97-300. One voting member of the council shall be a representative of the private industry councils established under P.L. 97-300.

(3) The Washington state job training coordinating council shall provide staff and allocate funds to the work force training and education coordinating board, as appropriate, to carry out the overlapping functions of the two bodies.

**NEW SECTION. Sec. 18.** (1) There is hereby created the Washington state council on vocational education for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council on vocational education shall perform all duties of councils on vocational education as specified in P.L. 101-392, as amended.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**NEW SECTION. Sec. 19.** Current members of the Washington state council on vocational education appointed pursuant to P.L. 98-524, as amended, shall serve as the state council on vocational education for purposes of this chapter until new appointments are made consistent with this section. New appointments to the state council on vocational education shall be made by July 1, 1991. The council on vocational education shall consist of thirteen members appointed by the governor consistent with the provisions of P.L. 101-392, as amended. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council.

**NEW SECTION. Sec. 20.** The council on vocational education shall perform its functions consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

**NEW SECTION. Sec. 21.** (1) There is hereby created the Washington advisory council on adult education. The advisory council shall advise the state board for community and technical colleges and the work force training and education coordinating board concerning adult basic education and literacy programs. The

advisory council shall perform all duties of state advisory councils on adult education as specified in P.L. 100-297, as amended. The advisory council's actions shall be consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

(2) The advisory council on adult education shall consist of nine members as required by federal law, appointed by the governor. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council, and the governor shall give consideration to individuals with expertise and experience in adult basic education.

(3) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**Sec. 22.** RCW 28B.50.010 and 1969 ex.s. c 223 s 28B.50.010 are each amended to read as follows:

This chapter shall be known as and may be cited as the community and technical college act of ((1967)) 1991.

**Sec. 23.** RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each ~~((community))~~ college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining ~~((with equal emphasis,))~~ high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, college districts containing only technical colleges shall maintain programs solely for occupational education, basic skills, and literacy purposes, and, for as long as a need exists, may continue those programs, activities, and services offered by the technical colleges during the twelve-month period preceding the effective date of this section;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive work force;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

~~((4))~~ (6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

~~((5))~~ (7) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and

other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 24. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education~~((;))~~.

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges ~~((education))~~ created by this chapter~~((;))~~.

~~((3))~~ (4) "Director" shall mean the administrative director for the state system of community and technical colleges~~((;))~~.

~~((4))~~ (5) "District" shall mean any one of the community and technical college districts created by this chapter~~((;))~~.

~~((5))~~ (6) "Board of trustees" shall mean the local community and technical college board of trustees established for each ~~((community))~~ college district within the state~~((;))~~.

~~((6))~~ "~~Council~~" shall mean the ~~coordinating council for occupational education~~~~((;))~~

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree~~((;))~~.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade~~((;))~~.

(9) "Common school board" shall mean a public school district board of directors~~((;))~~.

(10) "Community college" shall include ~~((where applicable, vocational technical and adult))~~ those higher education institutions that conduct education programs ~~((conducted by community colleges and vocational technical institutes whose major emphasis is in post high school education;))~~ under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate~~((= PROVIDED, That))~~. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate~~((= PROVIDED, FURTHER, That))~~, nor shall "adult education" ((shall not)) include education or instruction provided by any four year public institution of higher education~~((= AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational technical institute))~~.

Sec. 25. RCW 28B.50.040 and 1988 c 77 s 1 are each amended to read as follows:

The state of Washington is hereby divided into ~~((twenty four community))~~ twenty-nine college districts as follows:

- (1) The first district shall encompass the counties of Clallam and Jefferson;
- (2) The second district shall encompass the counties of Grays Harbor and Pacific;
- (3) The third district shall encompass the counties of Kitsap and Mason;
- (4) The fourth district shall encompass the counties of San Juan, Skagit and Island;
- (5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;
- (6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;
- (7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;
- (8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;
- (9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;
- (10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;
- (11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;
- (12) The twelfth district shall encompass Lewis county, the Rochester common school district No. 401, the Tenino common school district No. 402 of Thurston county, and the Thurston county portion of the Centralia common school district No. 401;
- (13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;
- (14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;
- (15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;
- (16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;
- (17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;
- (18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;
- (19) The nineteenth district shall encompass the counties of Benton and Franklin;
- (20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;
- (21) The twenty-first district shall encompass Whatcom county;
- (22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;
- (23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community and technical colleges (~~education~~) shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College; (~~and~~)

(24) The twenty-fourth district shall encompass all of Thurston county except the Rochester common school district No. 401, the Tenino common school district No. 402, and the Thurston county portion of the Centralia common school district No. 401;

(25) The twenty-fifth district shall encompass all of Whatcom county;

(26) The twenty-sixth district shall encompass the Northshore, Lake Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie Valley and Skykomish school districts;

(27) The twenty-seventh district shall encompass the Renton, Kent, Auburn, Tahoma, and Enumclaw school districts and a portion of the Seattle school district described as follows: Commencing at a point established by the intersection of the Duwamish river and the south boundary of the Seattle Community College District (number six) and thence north along the centerline of the Duwamish river to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington; thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District; and thence west along the south line of the Seattle Community College District to the point of beginning;

(28) The twenty-eighth district shall encompass all of Pierce county; and

(29) The twenty-ninth district shall encompass all of Pierce county.

NEW SECTION. Sec. 26. There is hereby created a board of trustees for district twenty-six and Lake Washington Vocational-Technical Institute, hereafter known as Lake Washington Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 27. There is hereby created a board of trustees for district twenty-seven and Renton Vocational-Technical Institute, hereafter known as Renton Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 28. There is hereby created a board of trustees for district twenty-five and Bellingham Vocational-Technical Institute, hereafter known as Bellingham Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 29. There is hereby created a new board of trustees for district twenty-eight and Bates Vocational-Technical Institute, hereafter known as Bates Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 30. There is hereby created a new board of trustees for district twenty-nine and Clover Park Vocational-Technical Institute, hereafter known as Clover Park Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 31. By December 1, 1996, the state board shall complete a report evaluating successes and difficulties associated with the merger of the technical and community colleges into one system. The evaluation shall include but need not be limited to consideration of all local governance models for technical colleges. The state board shall provide the report, and any recommendations, including recommendations for revisions to local governance models, to the governor, the house and senate committees on higher education, and the work force training and education coordinating board.

Sec. 32. RCW 28B.50.050 and 1988 c 76 s 1 are each amended to read as follows:

There is hereby created the "state board for community ((college education)) and technical colleges", to consist of ((eight)) nine members((~~one from each congressional district, as now or hereafter existing~~)) who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At



least two members shall reside east of the Cascade mountains. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. The current members of the state board for community college education on the effective date of this section shall serve on the state board for community and technical colleges until their terms expire. Successors to these members shall be appointed according to the terms of this section. A ninth member shall be appointed by the effective date of this section for a complete term.

The successors of the members initially appointed shall be appointed for terms of four years except that ~~((any))~~ a person~~((s))~~ appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

~~((The board shall not be deemed unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.))~~

Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day actually spent in attending to the duties as a member of the college board.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

**Sec. 33.** RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75 are each amended to read as follows:

A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. ~~((He))~~ The director shall be appointed with due regard to ~~((his))~~ the applicant's fitness and background in education, ~~((by his))~~ and knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of his or her office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

~~((He))~~ The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred ~~((by him))~~ in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

~~((He))~~ The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. ~~((He))~~ The director shall attend, but not vote at, all meetings of the college board. ~~((He))~~ The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, ~~((he))~~ the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at ~~((his))~~ the director's pleasure on such terms and conditions as ~~((he))~~ the director determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

**Sec. 34.** RCW 28B.50.085 and 1981 c 246 s 4 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ shall appoint a treasurer who shall be the financial officer of the board, who shall make such vendor payments and salary payments for the entire community and technical college system as authorized by the state board, and who shall hold office during the pleasure of the board. All moneys received by the state board and not required to be deposited elsewhere, shall be deposited in a depository selected by the board, which moneys shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the state board shall conform to the collateral requirements required for the deposit of other state funds. Disbursement shall be made by check signed by the treasurer. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her and shall give bond for the faithful performance of the duties of his or her office in such amount as the board requires: PROVIDED, That the board shall pay the fee for any such bonds.

**Sec. 35.** RCW 28B.50.090 and 1982 c 50 s 1 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the ~~((community college))~~ boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090(~~the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs~~);

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the ~~((community))~~ college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each ~~((community))~~ college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining~~((, with equal emphasis,))~~ high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education~~((: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district)), including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes.~~

For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(b) That each ((community)) college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of ((his)) the student's residence or because of ((his)) the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, ((he)) the student would not be competent to profit from the curriculum offerings of the ((community)) college; or would, by his or her presence or conduct, create a disruptive atmosphere within the ((community)) college not consistent with the purposes of the institution. This subsection (b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate ((community)) college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various ((community)) college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a ((community)) college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges (~~(education)~~) appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges (~~(education)~~) as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof(;-);

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

Sec. 36. RCW 28B.50.092 and 1977 ex.s. c 131 s 1 are each amended to read as follows:

The state board for community and technical colleges (~~(education)~~) may authorize any (~~(community-college)~~) board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel and their dependents, and department of defense civilians and their dependents, at any geographical location: PROVIDED, That such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section.

Sec. 37. RCW 28B.50.093 and 1973 c 105 s 2 are each amended to read as follows:

Prior to the state board granting authorization for any programs authorized under RCW 28B.50.092, the state board shall determine that such authorization will not deter from the primary functions of the community and technical college system within the state of Washington as prescribed by chapter 28B.50 RCW.

Sec. 38. RCW 28B.50.095 and 1983 c 3 s 40 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community and technical college, provided that such student shall pay tuition and fees as if ~~((he))~~ the student were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW 28B.15.502.

**Sec. 39.** RCW 28B.50.100 and 1987 c 330 s 1001 are each amended to read as follows:

There is hereby created a ~~((community college))~~ board of trustees for each ~~((community))~~ college district as set forth in this chapter. Each ~~((community college))~~ board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical ~~((exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups))~~ diversity, and representing labor, business, women, and racial and ethnic minorities, in the membership of the boards of trustees. The boards of trustees for districts containing technical colleges shall include at least one member from business and one member from labor.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the ~~((community))~~ college district. No trustee may be an employee of the community and technical college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the ~~((community))~~ college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

**Sec. 40.** RCW 28B.50.130 and 1977 c 75 s 27 are each amended to read as follows:

Within thirty days of their appointment ~~((or July 1, 1967, whichever is sooner,))~~ the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a ~~((chairman and a vice chairman))~~ chair and vice-chair, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the ~~((community))~~ college district, or ~~((his))~~ designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit such reports to the college board as may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

**Sec. 41.** RCW 28B.50.140 and 1990 c 135 s 1 are each amended to read as follows:

Each ~~((community college))~~ board of trustees:

(1) Shall operate all existing community and technical colleges (~~and vocational-technical institutes~~) in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college (~~district~~) and (~~where applicable community college~~), may appoint a president(~~s within~~) for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges (~~education~~). The state board for community and technical colleges (~~education~~) shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of (~~community college~~) boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5);

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the

proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms, or facilities for community and technical college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the (~~community college~~) district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. Technical colleges shall offer only nonbaccalaureate technical degrees, certificates, or diplomas for occupational courses of study under rules of the college board. Technical colleges in districts twenty-eight and twenty-nine may offer nonbaccalaureate associate of technical or applied arts degrees only in conjunction with a community college the district of which overlaps with the district of the technical college, and these degrees may only be offered after a contract or agreement is executed between the technical college and the community college. The authority and responsibility to offer transfer level academic support and general education for students of districts twenty-one and twenty-five shall reside exclusively with Whatcom Community College;

(13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges (~~education~~) for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community and technical colleges (~~education~~) as the board of trustees may in its discretion deem necessary or appropriate to the administration of (~~community~~) college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges (~~education~~): PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a

special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges (~~(education)~~) and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

**Sec. 42.** RCW 28B.50.142 and 1977 ex.s. c 331 s 1 are each amended to read as follows:

Each board of (~~community college~~) trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of RCW 28B.50.143, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective community and technical colleges shall pay the fees for any such bonds.

**Sec. 43.** RCW 28B.50.143 and 1985 c 180 s 1 are each amended to read as follows:

In order that each (~~community~~) college treasurer appointed in accordance with RCW 28B.50.142 may make vendor payments, the state treasurer will honor warrants drawn by each community and technical college providing for one initial advance (~~on September 1, 1977, of the current biennium and~~) on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each (~~community~~) college treasurer in accordance with chapter 43.83 RCW: PROVIDED, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

**Sec. 44.** RCW 28B.50.145 and 1969 ex.s. c 283 s 51 are each amended to read as follows:

The boards of trustees of the various (~~community~~) college districts (~~are hereby directed to~~) may create (~~no later than January 1, 1970~~) at each community or technical college (~~or vocational technical institute~~) under their control a faculty senate or similar organization to be selected by periodic vote of the respective faculties thereof.

**Sec. 45.** RCW 28B.50.150 and 1969 ex.s. c 223 s 28B.50.150 are each amended to read as follows:

Any resident of the state may enroll in any program or course maintained or conducted by a (~~community~~) college district upon the same terms and conditions regardless of the district of his or her residence.



**Sec. 46.** RCW 28B.50.205 and 1988 c 206 s 502 are each amended to read as follows:

The state board for community and technical colleges ((~~education~~)) shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

**Sec. 47.** RCW 28B.50.242 and 1990 c 208 s 10 are each amended to read as follows:

The state board for community and technical colleges ((~~education~~)) shall provide state-wide coordination of video telecommunications programming for the community and technical college system.

**Sec. 48.** RCW 28B.50.250 and 1969 ex.s. c 261 s 25 are each amended to read as follows:

The state board for community and technical colleges ((~~education~~)) and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28B.50.530 a program in adult education in behalf of a ((~~community~~)) college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the ((~~community~~)) college districts: PROVIDED, That federal programs for adult education ((~~which are funded directly to the state board of education~~)) shall be administered by the ((~~superintendent of public instruction in cooperation with the director of the~~)) state board for community and technical colleges ((~~education~~)), which agency is hereby declared to be the state educational agency primarily responsible for supervision of adult education in the public schools as defined by RCW 28B.50.020.

**Sec. 49.** RCW 28B.50.320 and 1971 ex.s. c 279 s 17 are each amended to read as follows:

All operating fees, services and activities fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the ((~~community~~)) college or ((~~his~~)) the president's designee appointed in writing, and such other person as may be designated by the board of trustees of the ((~~community~~)) college district. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

**Sec. 50.** RCW 28B.50.330 and 1979 ex.s. c 12 s 2 are each amended to read as follows:

The boards of trustees of ((~~community~~)) college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ((~~five~~)) fifteen thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be prepared and

such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any ((community)) college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and ((39.04.090)) 39.04.070 shall be inapplicable.

**Sec. 51.** RCW 28B.50.340 and 1985 c 390 s 54 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the ((community)) college ((state)) board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the ((community college)) state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400.

**Sec. 52.** RCW 28B.50.350 and 1985 c 390 s 55 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute:

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the college or of the college board;

(2) Shall be:

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state:

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in subsection (8)(b) ((above)) of this section;

(9) Shall constitute a prior lien and charge against the building fees of the community and technical colleges.

**Sec. 53.** RCW 28B.50.360 and 1985 c 390 s 56 are each amended to read as follows:

There is hereby created in the state treasury a community and technical college bond retirement fund. Within thirty-five days from the date of start of each quarter all building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) ((above)) of this section shall be deposited in the community and technical college capital projects account which account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges ((education)) in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or

appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. All earnings of investments of balances in the ((community college)) capital projects account shall be credited to the general fund.

(3) Notwithstanding the provisions of subsections (1) and (2) ((above)) of this section, at such time as all outstanding building bonds of the college board payable from the community and technical college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the ((community college)) bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community and technical colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community and technical college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such ((community)) college building bonds from some source other than the community and technical college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

**Sec. 54.** RCW 28B.50.370 and 1985 c 390 s 57 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the ((state)) college board ((for community college education)), the following:

(1) Amounts derived from building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

**Sec. 55.** RCW 28B.50.402 and 1977 ex.s. c 223 s 2 are each amended to read as follows:

Notwithstanding anything to the contrary contained in RCW 28B.50.360(1) and (2) and in RCW 28B.50.370, all moneys on deposit on or before June 30, 1977, in the community and technical college bond retirement fund, shall be transferred by the state treasurer to the state general fund, except for those moneys appropriated by section 17, chapter 1, Laws of 1977.

**Sec. 56.** RCW 28B.50.404 and 1985 c 390 s 60 are each amended to read as follows:

Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403 through 28B.50.407, such general obligation refunding bonds shall be issued and the refunding of said community and technical college building bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall

pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

**Sec. 57.** RCW 28B.50.405 and 1974 ex.s. c 112 s 3 are each amended to read as follows:

There is hereby created in the state treasury the community and technical college refunding bond retirement fund of 1974, which fund shall be exclusively devoted to the payment of the principal of and interest on the refunding bonds authorized by RCW 28B.50.360 and 28B.50.403 through 28B.50.407.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to pay the principal of and interest on such bonds. On July 1st of each year the state treasurer shall deposit such amount in the (~~community college~~) refunding bond retirement fund of 1974 from any general state revenues received in the state treasury.

**Sec. 58.** RCW 28B.50.409 and 1974 ex.s. c 112 s 7 are each amended to read as follows:

All bonds issued after February 16, 1974 by the college board or any (~~community college~~) board of trustees for any (~~community~~) college district under provisions of chapter 28B.50 RCW, as now or hereafter amended, shall be issued by such boards only upon the prior advice and consent of the state finance committee.

**Sec. 59.** RCW 28B.50.520 and 1969 ex.s. c 223 s 28B.50.520 are each amended to read as follows:

The (~~state~~) college board (~~for community college education~~) or any (~~community college~~) board of trustees is authorized to receive federal funds made available for the assistance of community and technical colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available.

**Sec. 60.** RCW 28B.50.535 and 1969 ex.s. c 261 s 30 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules and regulations promulgated by the superintendent of public instruction and the state board of education.

**Sec. 61.** RCW 28B.50.551 and 1980 c 182 s 3 are each amended to read as follows:

The board of trustees of each (~~community~~) college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment for full time employees, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by (~~community~~) college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by (~~community~~) college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one (~~community~~) college district or community and technical college to another, to the (~~state~~) college board (~~for community college education~~), to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; (~~and~~)

(6) Leave accumulated by a person in a (~~community~~) college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

**Sec. 62.** RCW 28B.50.600 and 1969 ex.s. c 223 s 28B.50.600 are each amended to read as follows:

Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the (~~community~~) college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

**Sec. 63.** RCW 28B.50.740 and 1969 ex.s. c 223 s 28B.50.740 are each amended to read as follows:

Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community and technical college facilities shall not be considered as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: PROVIDED, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula.

**Sec. 64.** RCW 28B.50.835 and 1990 c 29 s 1 are each amended to read as follows:

The legislature recognizes that quality in the state's community and technical colleges would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public community and technical colleges in creating endowments for funding exceptional faculty awards.

**Sec. 65.** RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the (~~state~~) college board (~~for community college education~~). The (~~community~~) college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the (~~community~~) college faculty awards trust fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund. At the request of the (~~state~~) college board (~~for community college education~~), the treasurer shall release the state

matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

**Sec. 66.** RCW 28B.50.839 and 1990 c 29 s 3 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the ~~((state)) college board ((for community college education))~~ shall set priorities and guidelines for the program.

(2) Under this section, a ~~((community))~~ college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.

(3) All community and technical colleges shall be eligible for matching trust funds. Institutions may apply to the ~~((state)) college board ((for community college education))~~ for grants from the fund in twenty-five thousand dollar increments up to a maximum of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college may receive more than one grant until every college has received one grant. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution in a local endowment fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution.

(4) Once sufficient private donations are received by the institution, the institution shall inform the ~~((state)) college board ((for community college education))~~ and request state matching funds. The ~~((state)) college board ((for community college education))~~ shall evaluate the request for state matching funds based on program priorities and guidelines. The ~~((state)) college board ((for community college education))~~ may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for each faculty award created.

**Sec. 67.** RCW 28B.50.841 and 1990 c 29 s 4 are each amended to read as follows:

(1) The faculty awards are the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution. The institution shall designate the use of the award. The designation shall be made or renewed annually.

(2) The institution is responsible for soliciting private donations, investing and maintaining its endowment funds, administering the faculty awards, and reporting on the program to the governor, the ~~((state)) college board ((for community college education))~~, and the legislature, upon request. The institution may augment its endowment fund with additional unrestricted private donations. The principal of the invested endowment fund shall not be invaded.

(3) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to supplement the salary of the holder or holders of a faculty award; or to pay expenses associated with the holder's program area. Funds from this program shall not be used to supplant existing faculty development funds.

**Sec. 68.** RCW 28B.50.843 and 1990 c 29 s 5 are each amended to read as follows:

The process for determining local awards shall be subject to collective bargaining. Decisions regarding the amounts of individual awards and who receives them shall not be subject to collective bargaining and shall be subject to approval of the applicable ~~((community college))~~ board of trustees.

**Sec. 69.** RCW 28B.50.850 and 1969 ex.s. c 283 s 32 are each amended to read as follows:

It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community and technical colleges. RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

**Sec. 70.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2)(a) "Faculty appointment", except as otherwise provided in ~~((subsection (2))~~(b) ~~(below))~~ of this subsection, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in ~~((subsection (2))~~(a) of this subsection, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the ~~((state))~~ college board ~~((for community college education))~~: PROVIDED, That such "special funds" so designated by the ~~((state))~~ college board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2)(a) of this section who have been subsequently transferred to positions financed from "special funds" pursuant to ~~((subsection (2))~~(b) of this subsection and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2)(a) of this section depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a ~~((community))~~ college district;



(7) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community or technical college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers.

**Sec. 71.** RCW 28B.50.867 and 1969 ex.s. c 283 s 43 are each amended to read as follows:

Upon transfer of employment from one community or technical college to another community or technical college within a district, a tenured faculty member shall have the right to retain tenure and the rights accruing thereto which he or she had in his or her previous employment: PROVIDED, That upon permanent transfer of employment to another ((community)) college district a tenured faculty member shall not have the right to retain his tenure or any of the rights accruing thereto.

**Sec. 72.** RCW 28B.50.869 and 1974 ex.s. c 33 s 2 are each amended to read as follows:

The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community or technical college in such manner as the members thereof shall determine.

**Sec. 73.** RCW 28B.50.870 and 1977 ex.s. c 282 s 1 are each amended to read as follows:

The district board of trustees of any ((community)) college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more ((community)) college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment in such curricular program and for as long as the program continues to be funded in such manner, utilizing the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: PROVIDED, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the ((community)) college district: PROVIDED FURTHER, That faculty members who have completed one year or more of satisfactory full time service in such program shall be credited with such service for the purposes of this section: PROVIDED, FURTHER, That provisions relating to tenure for faculty under the provisions of this section shall be distinct from provisions relating to tenure for other faculty of the ((community)) college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: AND PROVIDED FURTHER, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a ((community)) college district.

**Sec. 74.** RCW 28B.50.873 and 1990 c 33 s 559 are each amended to read as follows:

The ((state)) college board ((for community college education)) may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant

dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be, within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

The hearing required by this section shall be an adjudicative proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure Act, conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.405.310(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community or technical college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or

any conflicting board policies or rules, so that any reductions in force which take place after December 21, 1981, whether in progress or to be initiated, will comply solely with the provisions of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining agreement related to lay-off units, seniority and re-employment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857.

Sec. 75. RCW 28B.50.875 and 1969 ex.s. c 261 s 35 are each amended to read as follows:

Local law enforcement agencies or such other public agencies that shall be in need of such service may contract with any community or technical college for laboratory services for the analyzing of samples that chemists associated with such ((community)) colleges may be able to perform under such terms and conditions as the individual ((community)) college may determine.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

Sec. 76. RCW 15.76.120 and 1961 c 61 s 3 are each amended to read as follows:

For the purposes of this chapter all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:

(1) "Area fairs"--those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;

(2) "County and district fairs"--organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may be but one county fair in a single county: PROVIDED, HOWEVER, That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.

(3) "Community fairs"--organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.

(4) "Youth shows and fairs"--approved by duly constituted agents of Washington State University and/or the Washington ((state board for vocational education)) work force training and education coordinating board, serving three or more counties, and having for their purpose the education and training of rural youth in matters of rural living.

Sec. 77. RCW 28A.305.270 and 1989 c 146 s 2 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the state board of education. The state board of education shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges ((education)), the department of employment security, and the ((state board of vocational education within the office of the governor)) work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through

twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the state board of education, and local school districts in working toward the goals of the program.

**NEW SECTION. Sec. 78.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

**NEW SECTION. Sec. 79.** (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

**NEW SECTION. Sec. 80.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

**NEW SECTION. Sec. 81.** The college board shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

**NEW SECTION. Sec. 82.** A new section is added to chapter 50.12 RCW to read as follows:

The commissioner shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

**Sec. 83.** RCW 28C.10.020 and 1990 c 188 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the (~~state board for vocational education~~) work force training and education coordinating board or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where [there is] an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

**NEW SECTION. Sec. 84.** Community and technical colleges may contract with local common school districts to provide occupational and academic programs for high school students. Common school districts whose students currently attend vocational-technical institutes shall not suffer loss of opportunity to continue to enroll their students at technical colleges.

For the purposes of this section, "opportunity to enroll" includes, but is not limited to, the opportunity of common school districts to enroll the same number of high school students enrolled at each vocational-technical institute during the period July 1, 1989, through June 30, 1990, and the opportunity for common school districts to increase enrollments of high school students at each technical college in proportion to annual increases in enrollment within the school districts participating on the effective date of this section. Technical colleges shall offer programs which are accessible to high school students to at least the extent that existed during the period July 1, 1989, through June 30, 1990, and to the extent necessary to accommodate proportional annual growth in enrollments of high school students within school districts participating on the effective date of this section. Accommodating such annual increases in enrollment or program offerings shall be the first priority within technical colleges subject to any enrollment or budgetary restrictions. Technical colleges shall not charge tuition or student services and activities fees to high school students enrolled in the college.

Technical colleges may enter into interlocal agreements with local school districts to provide instruction in courses required for high school graduation, basic skills, and literacy training for students enrolled in technical college programs.

**NEW SECTION. Sec. 85.** When the state system of community and technical colleges assumes administrative control of the vocational-technical institutes, personnel employed by the vocational-technical institutes shall:

(1) Suffer no reduction in compensation, benefits, seniority, or employment status. After the effective date of this section, classified employees shall continue to be covered by chapter 41.56 RCW and faculty members and administrators shall be covered by chapter 28B.50 RCW;

(2) To the extent applicable to faculty members, any faculty currently employed on a "continuing contract" basis under RCW 28A.405.210 be awarded tenure pursuant to RCW 28B.50.851 through 28B.50.873, except for any faculty members who are provisional employees under RCW 28A.405.220;

(3) Be eligible to participate in the health care and other insurance plans provided by the health care authority and the state employee benefits board pursuant to chapter 41.05 RCW;

(4) Be eligible to participate in old age annuities or retirement income plans under the rules of the state board for community and technical colleges pursuant to RCW 28B.10.400 or the teachers' retirement system plan I for personnel employed before July 1, 1977, or plan II for personnel employed after July 1, 1977, under chapter 41.32 RCW; however, no affected vocational-technical institute employee shall be required to choose from among any available retirement plan options prior to six months after the effective date of this section;

(5) Have transferred to their new administrative college district all accrued sick and vacation leave and thereafter shall earn and use all such leave under the rule established pursuant to RCW 28B.50.551;

(6) Be eligible to participate in the deferred compensation plan pursuant to RCW 41.04.250 and the dependent care program pursuant to RCW 41.04.600 under the rules established by the state deferred compensation committee.

An exclusive bargaining representative certified to represent a bargaining unit covering employees of a vocational technical institute on the effective date of this section shall remain the exclusive representative of such employees thereafter until and unless such representative is replaced or decertified in accordance with state law.

Any collective bargaining agreement in effect on June 30, 1991, shall remain in effect as it applies to employees of vocational technical institutes until its expiration or renewal date or until renegotiated or renewed in accordance with chapter 28B.52 or 41.56 RCW. After the expiration date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement, as it applies to employees of vocational-technical institutes, shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. The board of trustees and the employees may mutually agree to continue the terms and conditions of the agreement beyond the one year extension. However, nothing in this section shall be construed to deny any employee right granted under chapter 28B.52 or 41.56 RCW. Labor relations processes and agreements covering faculty members of vocational technical institutes after the effective date of this section shall be governed by chapter 28B.52 RCW. Labor relations processes and agreements covering classified employees of vocational technical institutes after the effective date of this section shall continue to be governed by chapter 41.56 RCW.

**NEW SECTION. Sec. 86.** Notwithstanding the provisions of chapter 28B.15 RCW, technical colleges and the Seattle Vocational Institute may continue to collect student tuition and fees per their standard operating procedures in effect on the effective date of this section. The applicability of existing community college rules and statutes pursuant to chapter 28B.15 RCW regarding tuition and fees shall be determined

by the state board for community and technical colleges within two years of the effective date of this section.

**NEW SECTION. Sec. 87.** All powers, duties, and functions of the superintendent of public instruction and the state board of education pertaining to projects of adult education, including the state-funded Even Start and including the adult education programs operated pursuant to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction or the state board of education in the Revised Code of Washington shall be construed to mean the director or the state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION. Sec. 88.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

The superintendent or designee, and the director of the state board shall work out a mutually agreeable schedule to accomplish this transfer by no later than July 1, 1991.

**NEW SECTION. Sec. 89.** All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

**NEW SECTION. Sec. 90.** All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 91.** The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 92.** If apportionments of budgeted funds are required because of the transfers directed by sections 88 through 91 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and

adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 93.** Nothing contained in sections 88 through 92 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 94.** The college board personnel administering state and federally funded programs for adult basic skills and literacy education shall be known as the state office for adult literacy.

**NEW SECTION. Sec. 95.** The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington.

Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained work force is a major factor in attracting new employers, and with greater minority participation in the work force, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers.

**NEW SECTION. Sec. 96.** The public nonprofit corporation for the Washington institute for applied technology is hereby abolished and its powers, duties, and functions are hereby transferred to the sixth college district. The Washington institute for applied technology shall be renamed the Seattle Vocational Institute. The Seattle Vocational Institute shall become a fourth unit of the sixth college district. All references to the director or public nonprofit corporation for the Washington institute for applied technology in the Revised Code of Washington shall be construed to mean the director of the Seattle Vocational Institute.

**NEW SECTION. Sec. 97.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public nonprofit corporation for the Washington institute for applied technology shall be delivered to the custody of the sixth college district. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public nonprofit corporation for the Washington institute for applied technology shall be made available to the sixth college district for the use of the Seattle Vocational Institute. All funds, credits, or other assets held by the public nonprofit corporation for the Washington institute for applied technology shall be assigned to the sixth college district for the use of the institute.

Any appropriations made to the public nonprofit corporation for the Washington institute for applied technology shall, on the effective date of this section, be transferred and credited to the sixth college district.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 98.** All contractual obligations, rules, and all pending business before the public nonprofit corporation for the Washington institute for applied technology shall be continued and acted upon by the sixth college district. All existing



contracts and obligations shall remain in full force and shall be performed by the sixth college district.

**NEW SECTION. Sec. 99.** All employees of the Washington institute for applied technology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Seattle Vocational Institute. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Seattle Vocational Institute to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION. Sec. 100.** The transfer of the powers, duties, functions, and personnel of the public nonprofit corporation for the Washington institute for applied technology shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 101.** If apportionments of budgeted funds are required because of the transfers directed by sections 97 through 100 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 102.** The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The mission shall be achieved primarily through open-entry, open-exit, short-term, competency-based basic skill, and job training programs targeted primarily to adults. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration.

**NEW SECTION. Sec. 103.** Funding for the institute shall be included in a separate allocation to the sixth college district, and funds allocated for the institute shall be used only for purposes of the institute.

**NEW SECTION. Sec. 104.** The sixth college district shall conduct a survey of the capital facilities and equipment necessary to operate the program at the institute. The district shall present the survey to the state board for community and technical colleges by December 1, 1991. The board shall include the survey in its budget request to the legislature which shall consider a supplementary appropriation for the 1992-93 fiscal year to the sixth college district based on the results of this survey.

**NEW SECTION. Sec. 105.** The district may provide for waivers of tuition and fees and provide scholarships for students at the institute. The district may negotiate with applicable public or private service providers to conduct the instructional activities of the institute. The district may employ instructional staff or faculty. The district may also contract with private individuals for instructional services. Until at least July 1, 1993, all faculty and staff serve at the pleasure of the district. In order to allow the district flexibility in its personnel policies with the institute, the district and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure).

**NEW SECTION. Sec. 106.** A new section is added to chapter 41.06 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 107.** A new section is added to chapter 41.05 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 108.** A new section is added to chapter 41.04 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 109.** A new section is added to chapter 28B.16 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 110.** A new section is added to chapter 41.40 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 111.** A new section is added to chapter 28B.52 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION. Sec. 112.** A new section is added to chapter 43.01 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from RCW 43.01.040 through 43.01.044 until July 1, 1993.

**NEW SECTION. Sec. 113.** Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the state board for community and technical colleges and its local community and technical colleges.

**NEW SECTION. Sec. 114.** A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to classified employees of technical colleges as provided for in section 85 of this act.

**Sec. 115.** RCW 28B.10.016 and 1977 ex.s. c 169 s 1 are each amended to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, ~~((and))~~ the community colleges, and the technical colleges.

**NEW SECTION. Sec. 116.** There is hereby established the task force on technical colleges appointed by the governor. The task force shall be chaired by the director of the state board for community and technical colleges. The task force shall consist of representatives of the state board for community and technical colleges, community colleges, and the directors of the vocational-technical institutes. The purpose of the task force shall be to reach agreement on transitional issues posed by the bringing together of technical colleges and community colleges. The areas of agreement shall include the district boundaries and service areas not specified on the effective date of this section, for technical colleges that are not specified on the

effective date of this section and such other matters as are assigned to the task force by chapter --, Laws of 1991 (this act). The director of the state board shall convene the task force within thirty days after the appointment of the members. The task force shall report on its final recommendations to the college board and the governor by December 1, 1991. Those issues remaining in dispute shall be settled by the governor or the governor's designee.

**NEW SECTION. Sec. 117.** Title to or all interest in real estate, choses in action and all other assets, and liabilities including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institutes purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted for postsecondary vocational educational purposes, or used or obtained primarily for vocational-technical institute educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the district board. Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section, for vocational-technical institute purposes shall remain with and continue to be, after February 2, 1992, an asset of the school district. Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes. Unexpended funds of a common school district derived from the sale, before the effective date of this section, of bonds authorized for any purpose which includes vocational-technical institute purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

**NEW SECTION. Sec. 118.** All powers, duties, and functions of the school district pertaining to a vocational-technical institute are transferred to the state board for community and technical colleges until the establishment of local boards of trustees with authority for the technical college. All references to the director or school district in the Revised Code of Washington shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION. Sec. 119.** All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the school district pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the school district in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the school district for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 120.** All employees of the school district engaged in performing the powers, functions, and duties transferred are temporarily transferred to the jurisdiction of the state board for community and technical colleges. The transfer of employees to the state board for community and technical colleges shall not constitute termination of employment or reductions in force by the school districts and shall be excluded from the requirements of RCW 28A.405.210 through 28A.405.240 and 28A.405.300 through 28A.405.380. Until the local board of trustees assumes control of the college, all classified employees are assigned to the jurisdiction of the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with chapter 41.56 RCW.

**NEW SECTION. Sec. 121.** All rules and all pending business before the school district pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 122.** The transfer of the powers, duties, functions, and personnel of the school district shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 123.** If apportionments of budgeted funds are required because of the transfers directed by sections 119 through 122 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 124.** All powers, duties, and functions of the superintendent of public instruction pertaining to vocational-technical institutes are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction in the Revised Code of Washington shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION. Sec. 125.** All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 126.** All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are

assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

**NEW SECTION. Sec. 127.** All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 128.** The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 129.** If apportionments of budgeted funds are required because of the transfers directed by sections 125 through 128 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 130.** All funds appropriated by the legislature in the capital budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are hereby combined under the capital budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

**NEW SECTION. Sec. 131.** Capital and (RMI) projections for vocational-technical institutes are hereby incorporated into the six-year capital plan for community colleges that begins in the 1993-95 biennium and placed under the capital plans and projections for the state board for community and technical colleges.

**NEW SECTION. Sec. 132.** All funds appropriated by the legislature in the operating budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are combined under the operating budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

**NEW SECTION. Sec. 133.** Title to or all interest in real estate, choses in action, and all other assets and liabilities, including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institute purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted for vocational-technical institute purposes or postsecondary vocational education purposes, or used or obtained primarily for vocational education purposes, and all liabilities including, but not limited to court claims incurred on behalf of a vocational-technical institute by a school district, shall, on the date on which the first board of trustees of each college district takes office, vest in or be assigned to the state board for community and technical colleges. Grounds that have been used primarily as a playground for children shall continue to be made available for such use.

Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section for vocational-technical institute purposes shall remain with and continue to be, after the effective date of this section, an asset of the school district.

Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may

remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes.

Unexpended funds of a common school district derived from the sale of bonds issued for vocational-technical institute capital purposes and not committed for any existing construction contract, shall be transferred to the college district of which the institute is a part for application to such projects.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a vocational-technical institute is located, and the director of each vocational-technical institute, shall each submit to the state board of education, and the state board for community and technical colleges within ninety days of the effective date of this section, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district which, under the criteria of this section, will become the assets of the state board for community and technical colleges.

However, assets used primarily for vocational-technical institute purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the 1989-90 school year, or if acquired subsequent to July 1, 1990, since its time of acquisition, for vocational-technical institute purposes, except that facilities used during school construction and remodeling periods to house vocational-technical institute programs temporarily and facilities that were vacated by the vocational-technical institute and returned to the school district during 1990-91 are not subject to this requirement.

The ultimate decision and approval with respect to the allocation and dispositions of the assets and liabilities including court claims under this section shall be made by a task force appointed by the governor in consultation with the superintendent of public instruction and the state board for community and technical colleges. Any issues remaining in dispute shall be settled by the governor or the governor's designee. The decision of the governor, the governor's designee, or the task force may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.05 RCW.

**NEW SECTION. Sec. 134.** If, before the effective date of this section, the use of a single building facility is being shared between an existing vocational-technical institute program and a K-12 program, the respective boards shall continue to share the use of the facility until such time as it is convenient to remove one of the two programs to another facility. The determination of convenience shall be based solely upon the best interests of the students involved.

If a vocational-technical institute district board and a common school district board are sharing the use of a single facility, the program occupying the majority of the space of such facility, exclusive of space utilized equally by both, shall determine which board will be charged with the administration and control of such facility. The determination of occupancy shall be based upon the space occupied as of January 1, 1990.

The board charged with the administration and control of such facility may share expenses with the other board for the use of the facility.

In the event that the two boards are unable to agree upon which board is to administer and control the facility or upon a fair share of expenses for the use of the facility, the governor shall appoint an arbitrator to settle the matter. The decisions of the arbitrator shall be final and binding upon both boards. The expenses of the arbitration shall be divided equally by each board.

**NEW SECTION. Sec. 135.** All funds remaining from any public or private grant, contract, or in various auxiliary enterprise accounts for vocational-technical

institute purposes shall be transferred to the appropriate college district under the state board for community and technical colleges once a district board of trustees has been appointed.

**NEW SECTION. Sec. 136.** In the event a new college district is created, the governor shall appoint new trustees to the district's board of trustees in accordance with RCW 28B.50.100.

**Sec. 137.** RCW 43.19.190 and 1987 c 414 s 10 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

**NEW SECTION. Sec. 138.** Sick leave accumulated by employees of vocational-technical institutes shall be transferred to the college districts without loss of time subject to the provisions of RCW 28B.50.551 and the further provisions of any negotiated agreements then in force.

**NEW SECTION. Sec. 139.** The state employees' benefit board shall adopt rules to preclude any preexisting conditions or limitations in existing health care service contracts for school district employees at vocational-technical institutes transferred to the state board for community and technical colleges. The board shall also provide for the disposition of any dividends or refundable reserves in the school district's health care service contracts applicable to vocational-technical institute employees.

**NEW SECTION. Sec. 140.** If a school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the college district board, the school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

**NEW SECTION. Sec. 141.** If a technical college is created after the effective date of this section, that college may contract with an adjacent college district for administrative services until such time that an existing or new college district may assume jurisdiction over the college.

**NEW SECTION. Sec. 142.** The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

**NEW SECTION. Sec. 143.** The superintendent of public instruction shall with the advice of the work force training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education



in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

**NEW SECTION. Sec. 144.** A new section is added to chapter 28A.320 RCW to read as follows:

As of the effective date of this section, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for technical college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter ..., Laws of 1991 (this act). No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any dispute related to issues contained in this section shall be resolved under section 133 of this act.

**NEW SECTION. Sec. 145.** During the period from the effective date of this section until September 1, 1991:

(1) The executive director of the state board for community and technical colleges, or the executive director's designee, may enter into contracts, or agreements for goods, services, and personnel, on behalf of the technical college, which are effective after September 1, 1991. The executive director, or the executive director's designee, may conduct business, including budget approval, relevant to the operation of the technical college in the period subsequent to September 1, 1991.

(2) Vocational-technical institute directors may conduct business relevant to the operation of the vocational-technical institutes. School boards and superintendents may not restrict or remove powers previously delegated to the vocational-technical institute directors during the 1990-91 school year.

(3) Technical colleges' boards of trustees appointed before September 1, 1991, shall serve in an advisory capacity to the vocational-technical institute director.

As of September 1, 1991, technical colleges may, by interlocal agreement, continue to purchase from the school districts, support services within mutually agreed upon categories at a cost not to exceed the indirect rate charged during the 1990-91 school year. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any dispute related to issues contained in this section shall be resolved under section 133 of this act.

**NEW SECTION. Sec. 146.** The colleges in each overlapping service area shall jointly submit for approval to the state board for community and technical colleges not later than December 1, 1991, a regional planning agreement. The agreement shall provide for the ongoing interinstitutional coordination of community and technical college programs and services operated in the overlapping service area. The agreement shall include the means for the adjudication of issues arising from overlapping service areas. The agreement shall include a definitive statement of mission, scope, and purpose for each college including the nature of courses, programs, and services to be offered by each college. The statement shall include a provision that the technical colleges shall not offer courses designed for transfer to baccalaureate granting institutions. This shall not preclude such offerings provided through contracts or agreements with a community college in the service area.

Any part of the agreement that is not approved by all the colleges in the service area, shall be determined by the state board for community and technical colleges.

Approved regional planning agreements shall be enforced by the full authority of the state board for community and technical colleges. Changes to the agreement are subject to state board approval.

For the purpose of creating and adopting a regional planning agreement, the trustees of the colleges in Pierce county shall form a county coordinating committee. The county coordinating committee shall consist of eight members. Each college board of trustees in Pierce county shall select two of its members to serve on the county coordinating committee. The county coordinating committee shall not employ its own staff, but shall instead utilize staff of the colleges in the county. The regional planning agreement adopted by the county coordinating committee shall include, but shall not be limited to: The items listed in this section, the transfer of credits between technical and community colleges, program articulation, and the avoidance of unnecessary duplication in programs, activities, and services.

**Sec. 147.** RCW 28B.52.010 and 1987 c 314 s 1 are each amended to read as follows:

It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the ((community)) college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect, integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern.

**Sec. 148.** RCW 28B.52.020 and 1987 c 314 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a ((community)) college district and which has as one of its purposes the representation of the employees in their employment relations with the ((community)) college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any ((community)) college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each ((community)) college district.

(3) "Administrator" means any person employed either full or part time by the ((community)) college district and who performs administrative functions as at least fifty percent or more of his or her assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules ((and regulations)) as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in RCW 28B.52.073.

(6) "Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later,

to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

(7) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before July 26, 1987, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(8) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

**Sec. 149.** RCW 28B.52.030 and 1987 c 314 s 3 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its ((community)) college district, shall have the right to bargain as defined in RCW 28B.52.020(8).

**Sec. 150.** RCW 28B.52.035 and 1987 c 314 s 4 are each amended to read as follows:

At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges ((education)). The length of term of any such agreement shall be for not more than three fiscal years. Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

**Sec. 151.** RCW 28B.52.050 and 1971 ex.s. c 196 s 4 are each amended to read as follows:

Nothing in this chapter shall prohibit any academic employee from appearing in his or her own behalf on matters relating to his or her employment relations with the ((community)) college district.

**Sec. 152.** RCW 28B.52.060 and 1987 c 314 s 9 are each amended to read as follows:

The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the ((community)) college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

**Sec. 153.** RCW 28B.52.070 and 1971 ex.s. c 196 s 6 are each amended to read as follows:

Boards of trustees of ((community)) college districts or any administrative officer thereof shall not discriminate against academic employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

**Sec. 154.** RCW 28B.52.078 and 1987 c 314 s 13 are each amended to read as follows:

The right of ((community)) college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party.

**Sec. 155.** RCW 28B.52.090 and 1971 ex.s. c 196 s 8 are each amended to read as follows:

Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any ((community)) college district and any representative of its employees.

**Sec. 156.** RCW 28B.52.200 and 1987 c 314 s 12 are each amended to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each ((community)) college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue.

**Sec. 157.** RCW 28B.52.210 and 1990 c 29 s 6 are each amended to read as follows:

With respect to the community and technical colleges faculty awards trust program, the permissible scope of collective bargaining under this chapter shall be governed by RCW 28B.50.843.

**NEW SECTION.** **Sec. 158.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;
- (2) RCW 28C.15.010 and 1987 c 492 s 1;
- (3) RCW 28C.15.020 and 1987 c 492 s 2;
- (4) RCW 28C.15.030 and 1987 c 492 s 3; and
- (5) RCW 28C.15.900 and 1987 c 492 s 4.

**NEW SECTION. Sec. 159.** The following acts or parts of acts as now existing or hereafter amended are each repealed effective October 1, 1991:

- (1) RCW 28C.04.015 and 1990 c 188 s 1;
- (2) RCW 28C.04.024 and 1990 c 188 s 2;
- (3) RCW 28C.04.035 and 1990 c 188 s 3; and
- (4) RCW 28C.04.045 and 1990 c 188 s 4.

**NEW SECTION. Sec. 160.** Each technical college shall have written procedures which include provisions for the vocational education of individuals with disabilities. These written procedures shall include a plan to provide services to individuals with disabilities, a written plan of how the technical college will comply with relevant state and federal requirements for providing vocational education to individuals with disabilities, a written plan of how the technical college will provide on-site appropriate instructional support staff in compliance with P.L. 94-142, and as since amended, and section 504 of the rehabilitation act of 1973, and as thereafter amended.

**NEW SECTION. Sec. 161.** Sections 142 and 143 of this act shall constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 162.** Sections 16 and 17 of this act shall constitute a new chapter in Title 50 RCW.

**NEW SECTION. Sec. 163.** Sections 2 through 9 of this act shall constitute a new chapter in Title 28C RCW.

**NEW SECTION. Sec. 164.** Sections 18 through 20 of this act shall constitute a new chapter in Title 28C RCW.

**NEW SECTION. Sec. 165.** Sections 21, 26 through 31, 79, 81, 84 through 86, 94 through 96, 102 through 105, 113, 136, 141, 145, 146, and 160 of this act are each added to chapter 28B.50 RCW.

**NEW SECTION. Sec. 166.** RCW 28B.50.300 is decodified.

**NEW SECTION. Sec. 167.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided for sections 95 through 103 and 158 of this act by June 30, 1993, in the omnibus appropriations act, sections 95 through 103 and 158 of this act shall be null and void.

**NEW SECTION. Sec. 168.** Sections 1 through 8, 16 through 21, 26 through 30, 35, 78 through 83, 87 through 113, 116, 142 through 146, and 166 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

Sections 35, 116, and 144 through 146 of this act shall take effect immediately.

Sections 1 through 8, 16 through 21, 26 through 30, 78 through 83, 87 through 113, 142, 143, and 166 of this act shall take effect July 1, 1991.

Sections 22 through 25, 31 through 34, 36 through 77, 84 through 86, 114, 115, 117 through 141, and 147 through 160 of this act shall take effect September 1, 1991. Sections 9 through 15 of this act shall take effect October 1, 1991.

**NEW SECTION. Sec. 169.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.50.010, 28B.50.020, 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.060, 28B.50.085, 28B.50.090, 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100, 28B.50.130, 28B.50.140, 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150, 28B.50.205, 28B.50.242, 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405, 28B.50.409, 28B.50.520, 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740, 28B.50.835, 28B.50.837, 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850, 28B.50.851, 28B.50.867, 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875, 15.76.120, 28A.305.270, 28C.10.020, 28B.10.016, 43.19.190, 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070,

28B.52.078, 28B.52.090, 28B.52.200, and 28B.52.210; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28A.320 RCW; adding a new chapter to Title 28A RCW; adding new chapters to Title 28C RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28B.50.055, 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900, 28C.04.015, 28C.04.024, 28C.04.035, and 28C.04.045; decodifying RCW 28B.50.300; providing effective dates; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Saling, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5184 and requests of the House a conference thereon.

### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5184 and the House amendments thereto: Senators Saling, Jesernig and Patterson.

### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

### MESSAGE FROM THE HOUSE

April 23, 1991

#### MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Prentice and Moyer.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Linda Smith, the Senate refuses to grant a conference, insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1960, and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Prentice and Moyer.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Linda Smith, the Senate refuses to grant a conference, insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 2071, and once again asks the House to concur therein.

## MOTION

On motion of Senator Anderson, Senator McDonald was excused.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1313 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate receded from its amendments to Substitute House Bill No. 1313.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1313, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1313, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L.

Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, McDonald, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1313, without the Senate amendments, having received the 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 RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Substitute House Bill No. 1313, without the Senate amendments, passed the Senate.

### MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1317 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate receded from its amendments to Substitute House Bill No. 1317.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1317, without the Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1317, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Vognild - 1.

Excused: Senators Hansen, McDonald, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1317, without the Senate amendments, having received the 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 the Message from the House on Substitute Senate Bill No. 5916 and the pending



motion by Senator Roach to concur in the House amendments, deferred April 22, 1991.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5916 was deferred.

#### MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1704 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cooper, R. Fisher and Mitchell.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1704 and the Senate amendments thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1704 and the Senate amendments thereto: Senators von Reichbauer, Madsen and Oke.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1954 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Kremen and Nealey.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1954 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1954 and the Senate amendments thereto: Senators Barr, Hansen and Newhouse.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1194 on page 19, lines 2 and 6, beyond the scope and object of the bill and refuses to concur in all amendments to the bill and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate receded from its amendments on page 19, line 2 and 6, to Substitute House Bill No. 1194, but refuses to recede from the other amendments and requests of the House a conference therein.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1194 and the Senate amendments thereto: Senators Roach, Sutherland and Linda Smith.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1243 on page 3, line 2, beyond the scope and object of the bill and asks the Senate to recede therefrom. The House concurs in the remaining Senate amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Bailey, the Senate receded from the amendment on page 3, line 2, to Substitute House Bill No. 1243.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1243, without the Senate amendment on page 3, line 2, but with the remaining Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1243, without the Senate amendment on page 3, line 2, but with the remaining Senate amendments, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Voguild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McDonald, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1243, without the Senate amendment on page 3, line 2, but with the remaining Senate amendments, having received the 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

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1352 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, Jones and Vance.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1352 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1352 and the Senate amendments thereto: Senators Matson, Skratek and Anderson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "A point of inquiry, Mr. President. We are getting quite a few messages on scopes here, but we don't have the message. Now, it is my understanding and from what I have heard that a lot of these are purely political scopes. Let me refer, Mr. President, to one, if I may. The senior citizen bill--tax exemption bill--was scoped. The bill as I recall it--the House Bill had eighteen and twenty-six and I think the Senate changed it and moved it up to thirty--a directly related subject that no man in his right senses--or woman could say that it deserved scoping.

"Now, I think the Senate is entitled to messages on the scope, as to the reasons given and if it is determined that it is purely a political scope, because somebody on this side had the wrong name on the bill, we are entitled to that knowledge and the public is entitled to it. I would hate to think that the Honorable Speaker, Mr. King, would stoop to political scopes, but if he has stooped, we should catch him in the stoop and take the proper action, at that time--when you find him in the stoop.

"I don't like it. I don't mind the scope, as you make your decisions. I have several times been scoped and I accept it, because it probably was not directly related, but when we are getting a large number of scopes, there is really no rhyme or reason for it. I think the Senate is entitled to that.

"Now, I will leave it to the President as to how we will get that information. If we could delay long enough on some of these bills, we could request that opinion. I am sure if they requested your opinion, it would be gladly given to them. It does bother me when we are getting all of these scopes and very, very patently it is a political deal.

"I have nothing against the Republicans myself, you understand, except that the Democrats can do a better job. I'm not sure the Democrats can always do a better job either, but we are entitled to the reasons for it. Would you please advise what we can do now to get those scope messages."

## REPLY BY THE PRESIDENT

President Pritchard: "Senator, if it is, and I have no way of knowing, but if it is true what you say, then I am certainly in sympathy with your views. We do not have the reasons--the statements for the reasons for the scope and object ruling. We can ask for it. Sometimes there is a reason given and sometimes there isn't a reason given in the House. It is announced. I'll tell

you what I will do, we will send over to the Speaker a request for his scope and object ruling. I have no idea whether he is going to comply with that request or not."

Senator Rasmussen: "Your rulings are usually issued in writing and they are there for the record."

President Pritchard: "I realize that."

Senator Rasmussen: "I think it is no more than reasonable that the House should be able to have a reason that they put in the record, in the Journal, that it would show and we are entitled to it. Would you do that for us, then?"

President Pritchard: "I will make that request for you, Senator."

### MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1757 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Nelson, the Senate receded from the amendments to House Bill No. 1757.

### MOTION

On motion of Senator Snyder, 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. 1757, without the Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McDonald, Sellar, Vognild - 3.

HOUSE BILL NO. 1757, without the Senate amendments, having received the 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

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, Hargrove and Brumsickle.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1877 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1877 and the Senate amendments thereto: Senators Anderson, Snyder and Metcalf.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fraser, Orr and May.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1938 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1938 and the Senate amendments thereto: Senators Thorsness, Snyder and Craswell.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2093 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Locke and Holland.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference, insists on its position regarding the Senate amendments to Engrossed House Bill No. 2093, and once again asks the House to concur therein.

## MOTION

At 2:12 p.m., on motion of Senator Newhouse, the Senate recessed until 4:15 p.m.

The Senate was called to order at 4:41 p.m. by President Pritchard.

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

## REPORT OF STANDING COMMITTEE

April 24, 1991

SB 5958 Prime Sponsor, Senator McDonald: Establishing a new fee structure for the vital records program. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Hayner, Johnson, M. Kreidler, Matson, Metcalf, Newhouse, Saling, L. Smith, West.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5958 was advanced to second reading and placed on the second reading calendar.

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

## MESSAGE FROM THE GOVERNOR

April 24, 1991

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

I have the honor to advise you that on April 24, 1991, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5003

Relating to adult family homes.

Substitute Senate Bill No. 5030

Relating to the protection of recording rights.

Senate Bill No. 5220

Relating to railroad crossing inspection fees.

Senate Bill No. 5221

Relating to the requirement that motor carriers provide original or duly verified photocopies of all transportation contracts when applying for permits.

Engrossed Senate Bill No. 5311

Relating to bare-boat charter boats.

Substitute Senate Bill No. 5381

Relating to veterinary medicine.

Senate Bill No. 5391

Relating to emergency adjudications of the utilities and transportation commission.

Senate Bill No. 5434

Relating to state and federal regulation of railroads.

Substitute Senate Bill No. 5450

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

Substitute Senate Bill No. 5577

Relating to the board of medical examiners.

Senate Bill No. 5586

Relating to technical corrections to the code governing the state militia.

Senate Bill No. 5630

Relating to permits or licenses issued by the department of wildlife, department of fisheries, or the state parks and recreation commission.

Substitute Senate Bill No. 5645

Relating to liability of handlers of low-level radioactive waste.

Sincerely,

THOMAS J. FELNAGE, Legal Counsel to the Governor



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

### MESSAGE FROM THE HOUSE

April 20, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1496 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate receded from the amendments to Substitute House Bill No. 1496.

### MOTION

On motion of Senator Murray, Senator Mike Kreidler was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1496, without the Senate amendments.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1496, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West - 43.

Voting nay: Senators Rasmussen, Williams, Wojahn - 3.

Absent: Senator Niemi - 1.

Excused: Senators M. Kreidler, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1496, without the Senate amendments, having received the 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 sixth order of business.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, by House Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers and Schmidt) (by request of Governor Gardner)

Adopting the Capital Budget.

The bill was read the second time.

### MOTION

Senator Bluechel 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.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Emerg Water Proj Rev Acct" means State Emergency Water Project Revolving Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

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

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

"PART 1  
GENERAL GOVERNMENT"

NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE

(1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 2,839,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 360,000

Prior Biennia (Expenditures). . . . . \$ 200,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,399,000

(2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

Appropriation:

St Bldg Constr Acct. . . . . \$ 60,800

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 60,800

(3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

Appropriation:

St Bldg Constr Acct. . . . . \$ 22,200

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 22,200

(4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

Appropriation:

St Bldg Constr Acct. . . . . \$ 52,400

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 500,000

TOTAL . . . . . \$ 552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

Appropriation:

St Bldg Constr Acct. . . . . \$ 236,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 236,000

NEW SECTION. Sec. 5. FOR THE OFFICE OF FINANCIAL MANAGEMENT

(1) Local jail facilities (88-2-001)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 308,000

Prior Biennia (Expenditures) . . . . . \$ 2,692,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,000,000

- (2) For environmental cleanup related to underground storage tanks  
The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (2) shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection (2) or in any subsection specifically referencing this subsection (2) may be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

St Bldg Constr Acct. . . . .	\$	3,579,000
CEP & RI Acct . . . . .	\$	390,000
For Dev Acct . . . . .	\$	37,000
Res Mgmt Cost Acct . . . . .	\$	118,000

Subtotal Appropriation. . . . . \$ 4,124,000

Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 4,124,000

- (3) For asbestos removal or abatement projects  
The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (3) shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection (3) or in any subsection specifically referencing this subsection (3) may be expended unless the asbestos removal or abatement project is required by an order of a court of competent jurisdiction or required by federal law or regulation.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	3,860,000
CEP & RI Acct . . . . .	\$	25,000

Subtotal Reappropriation . . . . . \$ 3,885,000

Appropriation:

St Bldg Constr Acct. . . . .	\$	9,578,000
CEP & RI Acct . . . . .	\$	540,000

Subtotal Appropriation. . . . . \$ 10,118,000

Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 14,013,000

- (4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

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

(a) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(b) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(c) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 31,301,667
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 31,000,000
Prior Biennia (Expenditures). . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 109,000,000
	-----
TOTAL . . . . .	\$ 171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 282,000
Prior Biennia (Expenditures). . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 282,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS

- (1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 150,000
Prior Biennia (Expenditures). . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 150,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)
- Reappropriation:
- |  |    |         |
|--|----|---------|
| Cap Bldg Constr Acct. . . . .              | \$ | 23,000  |
| Prior Biennia (Expenditures). . . . .      | \$ | 90,000  |
| Future Biennia (Projected Costs) . . . . . | \$ | 0       |
| TOTAL . . . . .                            | \$ | 113,000 |
- (2) Boiler plant structural repairs: To complete phase I of the structural repair of the capitol campus boiler plant (88-1-003)
- Reappropriation:
- |  |    |         |
|--|----|---------|
| Cap Bldg Constr Acct. . . . .              | \$ | 333,000 |
| Prior Biennia (Expenditures). . . . .      | \$ | 0       |
| Future Biennia (Projected Costs) . . . . . | \$ | 0       |
| TOTAL . . . . .                            | \$ | 333,000 |
- (3) Campus repairs: Inadequate building systems (88-2-008)
- Reappropriation:
- |  |    |           |
|--|----|-----------|
| St Bldg Constr Acct. . . . .               | \$ | 566,000   |
| Prior Biennia (Expenditures). . . . .      | \$ | 6,801,000 |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 7,367,000 |
- (4) Minor works: Northern State facility repairs (90-1-012)
- The reappropriation in this subsection is subject to the following conditions and limitations: The reappropriation shall be used for electrical cable repair and replacement.
- Reappropriation:
- |  |    |           |
|--|----|-----------|
| St Bldg Constr Acct. . . . .               | \$ | 275,000   |
| Prior Biennia (Expenditures). . . . .      | \$ | 744,000   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 1,019,000 |
- (5) Boiler plant structural repairs (90-1-016)
- Reappropriation:
- |  |    |         |
|--|----|---------|
| St Bldg Constr Acct. . . . .               | \$ | 700,000 |
| Prior Biennia (Expenditures). . . . .      | \$ | 30,000  |
| Future Biennia (Projected Costs) . . . . . | \$ | 0       |
| TOTAL . . . . .                            | \$ | 730,000 |

(6)	Minor works: Sidewalks and streets (90-2-005)		
	Reappropriation:		
	Cap Bldg Constr Acct. . . . .	\$	425,000
	Prior Biennia (Expenditures) . . . . .	\$	75,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500,000
(7)	Minor works: Building exterior repairs (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	180,000
	Cap Bldg Constr Acct. . . . .	\$	450,000
	Subtotal Reappropriation . . . . .	\$	630,000
	Prior Biennia (Expenditures) . . . . .	\$	2,222,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,852,000
(8)	Minor works: Mechanical system repairs (90-2-009)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	600,000
	Prior Biennia (Expenditures) . . . . .	\$	1,400,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,000,000
(9)	Remodel of the John A. Cherberg Building (88-2-040)		

The appropriations in this section are subject to the following conditions and limitations: The project shall include the review of and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	3,000,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,000,000

(10) Minor works: Building interior repairs (90-2-010)

The reappropriation in this subsection is subject to the following conditions and limitations: \$200,000 is provided solely to correct deficiencies in the legislative cafeteria, and \$100,000 is provided solely for the replacement and repair of the Office Building No. 2 electrical switch boards.



Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 300,000
Prior Biennia (Expenditures) . . . . .	\$ 1,138,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 1,438,000

- (11) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 5,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 5,000,000

- (12) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:	
East Cap Constr Acct. . . . .	\$ 45,400,000
Prior Biennia (Expenditures) . . . . .	\$ 27,600,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 73,000,000

- (13) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

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

(a) This reappropriation is provided solely for buildings to provide care for the mentally ill consistent with chapter 205, Laws of 1989.

(b) No moneys from this reappropriation may be expended until the department secures a lease with a county or a group of counties for buildings for the purpose of operating a facility for the mentally ill consistent with chapter 205, Laws of 1989.

(c) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 2,450,000
Prior Biennia (Expenditures) . . . . .	\$ 50,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 2,500,000

- (14) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 1,800,000

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 671,000
Prior Biennia (Expenditures) . . . . .	\$ 215,000
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 2,686,000

(15) Capitol Lake repairs and preservation (90-3-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$85,000 of this appropriation is provided solely for shoreline repairs.

Reappropriation:	
Cap Bldg Constr Acct. . . . .	\$ 70,000
Prior Biennia (Expenditures) . . . . .	\$ 215,000
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 285,000

(16) Small repairs and improvements: For small repairs and improvements on the capitol campus, and at other general administration facilities throughout the state (92-2-002)

Appropriation:	
Cap Bldg Constr Acct. . . . .	\$ 342,000
St Bldg Constr Acct. . . . .	\$ 108,000
	-----
Subtotal Appropriation . . . . .	\$ 450,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 1,446,000
	-----
TOTAL . . . . .	\$ 1,896,000

(17) Emergency repairs (92-1-001)

Appropriation:	
Cap Bldg Constr Acct. . . . .	\$ 160,000
St Bldg Constr Acct. . . . .	\$ 90,000
	-----
Subtotal Appropriation . . . . .	\$ 250,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 1,125,000
	-----
TOTAL . . . . .	\$ 1,375,000

(18) Underground storage tanks: To remove and replace underground storage tanks on the capitol campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 140,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,371,000
		-----
TOTAL . . . . .	\$	1,511,000

- (19) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

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

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:		
Cap Purch & Dev Acct. . . . .	\$	150,000
Appropriation:		
St Bldg Constr Acct. . . . .	\$	22,438,000
Prior Biennia (Expenditures) . . . . .	\$	350,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	22,938,000

- (20) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

Appropriation:		
Cap Bldg Constr Acct. . . . .	\$	1,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	22,101,000
		-----
TOTAL . . . . .	\$	23,301,000

- (21) Capitol Lake dredging (92-3-019)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,000,000

## (22) Capitol Lake repairs (92-2-015)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	1,125,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,125,000

## (23) Campus high voltage loop improvements (2) (92-2-008)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	1,009,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,009,000

## (24) Minor works: Building electrical repairs (92-2-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$150,000 is provided for electrical and data lines to be installed in the chambers of the senate and house of representatives.

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	317,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	588,000
TOTAL . . . . .	\$	905,000

## (25) Capitol campus control system improvements, phases 2 and 3 (92-2-014)

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	1,671,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,454,000
TOTAL . . . . .	\$	3,125,000

## (26) Minor works: Utilities and grounds improvements (92-2-016)

Funding is provided solely for the installation of an oil separator in the powerhouse tank drain, repair of sidewalks and steps around the capitol campus, replacement of plumbing in the Tivoli Fountain, and installation of bicycle lockers.

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	1,184,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,760,000
TOTAL . . . . .	\$	2,944,000

## (27) Minor works: Building exterior repairs (92-2-017)

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	1,172,000
St Bldg Constr Acct. . . . .	\$	615,000

Subtotal Appropriation. . . . .	\$	1,787,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,469,000

TOTAL. . . . .	\$	5,256,000
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## (28) Minor works: Building interior repairs (92-2-018)

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	600,000
St Bldg Constr Acct. . . . .	\$	489,000

Subtotal Appropriation. . . . .	\$	1,089,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,320,000

TOTAL. . . . .	\$	2,409,000
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## (29) Minor works: Building mechanical system improvements (92-2-020)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	944,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,397,000

TOTAL. . . . .	\$	4,341,000
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## (30) Governor's Mansion structural repairs and sprinkler installation (92-2-024)

## Appropriation:

Cap Bldg Constr Acct. . . . .	\$	80,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,200,000

TOTAL. . . . .	\$	1,280,000
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## (31) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)

## Appropriation:

CEP & RI Acct . . . . .	\$	280,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,278,000

TOTAL. . . . .	\$	1,558,000
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## (32) Implementation strategy for state facilities in Thurston county (92-5-100)

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 300,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 300,000
(33) State Capitol satellite campuses master plan (92-5-101)	
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 750,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 750,000
(34) Business park facilities master plan (92-5-102)	
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 500,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 500,000
(35) Capitol campus geotechnical and hydrologic survey (92-5-108)	
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 300,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 300,000
(36) Thurston county landbank: To acquire interest in real property for inclusion in a landbank for future state facilities in Thurston county (92-5-000)	
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 1,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 1,000,000
(37) Heritage Park: To acquire property and begin planning for a park between the capitol campus and Capitol Lake (92-5-105)	

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park.

Appropriation:

St Bldg Constr Acct. . . . .	\$	6,700,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	13,800,000
TOTAL . . . . .	\$	20,500,000

- (38) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:

Cap Bldg Constr Acct. . . . .	\$	591,000
St Bldg Constr Acct. . . . .	\$	500,000
Subtotal Appropriation . . . . .	\$	1,091,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,091,000

- (39) Deschutes parkway road and storm drainage preplan and repairs (92-2-023)

Appropriation:

St Bldg Constr Acct. . . . .	\$	285,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	7,627,000
TOTAL . . . . .	\$	7,912,000

NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT

- (1) Exterior painting of facilities (88-3-007)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	42,000
Prior Biennia (Expenditures) . . . . .	\$	974,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,016,000

- (2) Minor works (86-1-005)

Appropriation:

St Bldg Constr Acct. . . . .	\$	735,000
Prior Biennia (Expenditures) . . . . .	\$	525,000
Future Biennia (Projected Costs) . . . . .	\$	1,517,000
TOTAL . . . . .	\$	2,777,000

- (3) Small repairs and improvements: Projects less than twenty-five thousand dollars each (86-1-006)
- |  |              |
|--|--------------|
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 292,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ 375,000   |
| Future Biennia (Projected Costs) . . . . . | \$ 906,000   |
|  | -----        |
| TOTAL . . . . .                            | \$ 1,573,000 |
- (4) Minor works in support of small federal construction projects (86-2-004)
- |  |              |
|--|--------------|
| Reappropriation:                           |              |
| St Bldg Constr Acct. . . . .               | \$ 92,000    |
| Appropriation:                             |              |
| General Fund-Federal . . . . .             | \$ 1,125,000 |
| St Bldg Constr Acct. . . . .               | \$ 375,000   |
|  | -----        |
| Subtotal Appropriation. . . . .            | \$ 1,500,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 4,160,000 |
| Future Biennia (Projected Costs) . . . . . | \$ 4,101,000 |
|  | -----        |
| TOTAL . . . . .                            | \$ 9,853,000 |
- (5) Facility heating, ventilating, and air conditioning renovation (88-3-004)
- |  |              |
|--|--------------|
| Reappropriation:                           |              |
| St Bldg Constr Acct. . . . .               | \$ 93,000    |
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 248,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ 461,000   |
| Future Biennia (Projected Costs) . . . . . | \$ 829,600   |
|  | -----        |
| TOTAL . . . . .                            | \$ 1,631,600 |
- (6) Roof renovation or replacement projects (88-3-006)
- |  |              |
|--|--------------|
| Reappropriation:                           |              |
| St Bldg Constr Acct. . . . .               | \$ 126,000   |
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 641,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ 699,000   |
| Future Biennia (Projected Costs) . . . . . | \$ 1,338,000 |
|  | -----        |
| TOTAL . . . . .                            | \$ 2,804,000 |
- (7) Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)
- |                              |            |
|------------------------------|------------|
| Reappropriation:             |            |
| St Bldg Constr Acct. . . . . | \$ 252,000 |
| Appropriation:               |            |
| St Bldg Constr Acct. . . . . | \$ 485,000 |



Prior Biennia (Expenditures) . . . . .	\$	548,000
Future Biennia (Projected Costs) . . . . .	\$	1,535,000
		<hr/>
TOTAL . . . . .	\$	2,820,000

- (8) Underground storage tanks: To remove and replace underground storage tanks and remediate contaminated soils (88-1-008)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	270,000
Prior Biennia (Expenditures) . . . . .	\$	550,000
Future Biennia (Projected Costs) . . . . .	\$	373,000
		<hr/>
TOTAL . . . . .	\$	1,393,000

- (9) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)

Appropriation:

General Fund-Federal . . . . .	\$	1,602,000
St Bldg Constr Acct. . . . .	\$	1,102,000
		<hr/>
Subtotal Appropriation. . . . .	\$	2,704,000
Prior Biennia (Expenditures) . . . . .	\$	155,000
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	2,859,000

- (10) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)

Appropriation:

General Fund-Federal . . . . .	\$	1,728,000
St Bldg Constr Acct. . . . .	\$	1,127,000
		<hr/>
Subtotal Appropriation. . . . .	\$	2,855,000
Prior Biennia (Expenditures) . . . . .	\$	163,000
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	3,018,000

- (11) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)

Appropriation:

General Fund-Federal . . . . .	\$	1,804,000
St Bldg Constr Acct. . . . .	\$	1,206,000
		<hr/>
Subtotal Appropriation. . . . .	\$	3,010,000
Prior Biennia (Expenditures) . . . . .	\$	170,000
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

- (1) Preplanning liquor distribution center with materials handling system (92-1-001)

Appropriation:	
Liquor Revolving Acct . . . . .	\$ 120,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 120,000

"PART 2  
HUMAN RESOURCES"

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

- (1) Grays Harbor dredging (88-3-006)

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

(a) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this reappropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being appropriated for the project.

(c) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (b) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (b) of this section, shall be used to reimburse or replace state building construction account moneys.

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 6,840,318
Prior Biennia (Expenditures) . . . . .	\$ 3,159,682
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 10,000,000

- (2) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 10,000,000
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 20,000,000
Prior Biennia (Expenditures) . . . . .	\$ 8,000,000
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 38,000,000

(3) Columbia county courthouse (89-4-004)

The reappropriation in this subsection is provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 600,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 60,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 660,000

(4) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5555. If this bill is not enacted by June 30, 1991, this money may be expended for other public works projects approved by the legislature under RCW 43.155.070.

Reappropriation:

Public Works Assist . . . . . \$ 85,734,000

Appropriation:

Public Works Assist . . . . . \$ 88,491,000

Prior Biennia (Expenditures) . . . . . \$ 54,534,447

Future Biennia (Projected Costs) . . . . . \$ 231,877,000

TOTAL . . . . . \$ 460,636,447

(5) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 250,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 250,000

(6) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils

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

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 250,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 250,000

(7) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. First priority for funding under this subsection shall be given to the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	250,000
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	500,000

(8) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct. . . . .	\$	246,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	246,000

(9) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct. . . . .	\$	600,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	600,000

(10) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

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

(a) Grants are limited to the following projects:

Total Capital	State Match Cost	State Portion	
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%

Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000	15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	\$ 4,862,500	\$ 729,000	15%
Tears of Joy Theatre	<u>\$ 6,000,000</u>	<u>\$ 900,000</u>	15%
Total	\$100,277,500	\$ 15,041,000	

(b) The state grant may provide no more than fifteen percent of the total capital cost of the project, or the state portion percentage listed in (a) of this subsection, whichever is less. The remaining portions of project capital costs shall be matching funds from nonstate sources. The matching funds may include cash and land value.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 11,639,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 3,402,000
	-----
TOTAL . . . . .	\$ 15,041,000

- (11) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The matching funds may include cash, land value, and other in-kind contributions.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 5,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 5,000,000

- (12) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 4,500,000

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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	4,500,000
 (13) Spokane Food Bank: For construction of a freezer/cooler		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	125,000
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	275,000
 (14) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus		
The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	500,000
 (15) Nordic Heritage Museum: For building acquisition and improvements		
The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000
 (16) Thorp Grist Mill: Restoration		
The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	10,000
Prior Biennia (Expenditures) . . . . .	\$	20,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	30,000
 (17) A Contemporary Theater		
The reappropriation in this section is subject to the following conditions and limitations:		

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

	St Bldg Constr Acct. . . . .	\$	750,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs). . . . .	\$	0
	TOTAL . . . . .	\$	750,000
(18)	Keyport Naval Undersea Museum: To complete an auditorium in the museum		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	300,000
	Prior Biennia (Expenditures). . . . .	\$	500,000
	Future Biennia (Projected Costs). . . . .	\$	0
	TOTAL . . . . .	\$	800,000
(19)	Marcus Whitman statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	53,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs). . . . .	\$	0
	TOTAL . . . . .	\$	53,000
(20)	Mystic Lake flood assistance		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	53,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs). . . . .	\$	0
	TOTAL . . . . .	\$	53,000
(21)	Maritime Museum		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	200,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs). . . . .	\$	0
	TOTAL . . . . .	\$	200,000
(22)	Snohomish county drainage district number 6		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	350,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	350,000

- (23) Almira and Coulee-Hartline School District building remodel  
 The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall not be allocated to the Coulee-Hartline school district until written confirmation has been provided to the department from the boards of directors of the two school districts that the moneys will be used to upgrade the Hartline facility for the purpose of implementing a cooperative high school program with the Almira school district under chapter 28A.340 RCW.

(b) The appropriation is contingent on the two school districts contributing matching funds of at least \$100,000.

Appropriation:

St Bldg Constr Acct. . . . .	\$	240,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	240,000

- (24) Acquisition of property adjacent to Ezra Meeker Mansion in Puyallup

The department shall release funds in consultation with the Washington State Historical Society at such time as the Ezra Meeker Historical Society has secured pledges and contributions for property acquisition and development in the amount of \$200,000.

Appropriation:

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000

- (25) Resource Center for the Handicapped

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,500,000

- (26) Tacoma educational enrichment center

The appropriation in this subsection is contingent upon a matching contribution of at least \$2,200,000 from the Tacoma school district or other local government entity. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility



plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 2,200,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 2,200,000

- (27) Yakima criminal justice facility: Grant to the city of Yakima for the construction of a new criminal justice facility

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

(a) Before receiving the grant, the city shall demonstrate an ability to complete the construction of the facility and fund the operation of the new facility.

(b) The grant shall not exceed sixty-six percent of the total project cost as determined by the department.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 3,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
<hr/>	
TOTAL . . . . .	\$ 3,000,000

- (28) Enumclaw performing arts center: For construction and building improvements

The appropriation in this subsection is provided solely for a grant to the city of Enumclaw for the construction of the Enumclaw performing arts center. No funds shall be expended until voter-approved bond authorization is provided as local matching funds.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 200,000
Prior biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 200,000

- (29) Bonney Lake Park: Grant to Pierce County for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection is subject to a match of equal value from nonstate sources.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 35,000
Prior biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
<hr/>	
TOTAL . . . . .	\$

35,000

- |     |  |    |            |
|-----|--|----|------------|
| (1) | Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)                  |    |            |
|     | Reappropriation:   |    |            |
|     | L & I Constr Acct. . . . .   | \$ | 44,700,000 |
|     | Prior Biennia (Expenditures). . . . .  | \$ | 18,300,000 |
|     | Future Biennia (Projected Costs) . . . . .   | \$ | 0          |
|     | TOTAL . . . . .  | \$ | 63,000,000 |
|     | <u>NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>                    |    |            |
| (1) | Rainier: Renovate Evergreen Center (79-1-017)  |    |            |
|     | Reappropriation:   |    |            |
|     | St Bldg Constr Acct. . . . .   | \$ | 200,000    |
|     | DSHS Constr Acct. . . . .  | \$ | 119,477    |
|     | Subtotal Reappropriation . . . . .   | \$ | 319,477    |
|     | Prior Biennia (Expenditures). . . . .  | \$ | 4,230,523  |
|     | Future Biennia (Projected Costs) . . . . .   | \$ | 0          |
|     | TOTAL . . . . .  | \$ | 4,550,000  |
| (2) | Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001) |    |            |
|     | Reappropriation:   |    |            |
|     | Hndcp Fac Constr Acct. . . . .   | \$ | 253,531    |
|     | Prior Biennia (Expenditures). . . . .  | \$ | 33,371     |
|     | Future Biennia (Projected Costs) . . . . .   | \$ | 0          |
|     | TOTAL . . . . .  | \$ | 286,902    |
| (3) | Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)    |    |            |
|     | Reappropriation:   |    |            |
|     | St Bldg Constr Acct. . . . .   | \$ | 130,000    |
|     | Prior Biennia (Expenditures). . . . .  | \$ | 0          |
|     | Future Biennia (Projected Costs) . . . . .   | \$ | 0          |
|     | TOTAL . . . . .  | \$ | 130,000    |
| (4) | Western State Hospital: Sanitary sewer (88-2-400)  |    |            |
|     | Reappropriation:   |    |            |
|     | St Bldg Constr Acct. . . . .   | \$ | 200,000    |
|     | Prior Biennia (Expenditures). . . . .  | \$ | 2,109,238  |
|     | Future Biennia (Projected Costs) . . . . .   | \$ | 0          |
|     | TOTAL . . . . .  | \$ | 2,309,238  |
| (5) | Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)                |    |            |

	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,600,000
	Prior Biennia (Expenditures). . . . .	\$	364,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,964,000
(6)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	6,000,000
	Prior Biennia (Expenditures). . . . .	\$	192,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	6,192,000
(7)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,000,000
	Prior Biennia (Expenditures). . . . .	\$	2,510,400
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,510,400
(8)	Minor capital renewal: Utilities and facilities (90-2-001)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	250,000
	Prior Biennia (Expenditures). . . . .	\$	500,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	750,000
(9)	Minor capital renewal: Roads and grounds (90-2-002)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	250,000
	St Bldg Constr Acct. . . . .	\$	50,000
	Subtotal Reappropriation . . . . .	\$	300,000
	Prior Biennia (Expenditures). . . . .	\$	698,868
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	998,868
(10)	Minor capital renewal: Roofs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	150,000
	Prior Biennia (Expenditures). . . . .	\$	692,268
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	842,268
(11)	Minor capital renewal: Fire and safety (90-1-004)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	250,000
	St Bldg Constr Acct. . . . .	\$	200,000
			-----
	Subtotal Reappropriation . . . . .	\$	450,000
	Prior Biennia (Expenditures) . . . . .	\$	841,611
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,291,611
(12)	Minor capital renewal: Hazardous substance (90-1-005)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	100,000
	St Bldg Constr Acct. . . . .	\$	50,000
			-----
	Subtotal Reappropriation . . . . .	\$	150,000
	Prior Biennia (Expenditures) . . . . .	\$	700,978
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	850,978
(13)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	25,000
	Prior Biennia (Expenditures) . . . . .	\$	444,578
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	469,578
(14)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	50,000
	Prior Biennia (Expenditures) . . . . .	\$	140,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	190,000
(15)	Minor projects: Bureau of alcohol (90-2-010)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	350,000
	Prior Biennia (Expenditures) . . . . .	\$	92,400
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	442,400
(16)	Minor projects: Juvenile rehabilitation division (90-2-020)		

Reappropriation:	
CEP & RI Acct . . . . .	\$ 200,000
St Bldg Constr Acct. . . . .	\$ 25,000
	-----
Subtotal Reappropriation . . . . .	\$ 225,000
Prior Biennia (Expenditures) . . . . .	\$ 285,781
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 510,781

(17) Minor projects: Mental health division (90-2-030)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 200,000
Prior Biennia (Expenditures) . . . . .	\$ 575,000
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 775,000

(18) Minor projects: Mental health division (90-2-032)

Reappropriation:	
CEP & RI Acct . . . . .	\$ 65,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 65,000

(19) Snohomish county: Mental health evaluation and treatment facility (90-2-033)

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

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

Reappropriation:	
St Bldg-Constr Acct. . . . .	\$ 800,000

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	Prior Biennia (Expenditures) . . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,000,000
(20)	Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	250,000
	Prior Biennia (Expenditures) . . . . .	\$	484,222
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	734,222
(21)	Minor capital renewal, mental health (90-2-060)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	500,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,000,000
(22)	Child care facilities (90-2-300)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	350,000
	Prior Biennia (Expenditures) . . . . .	\$	250,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	600,000
(23)	Eastern State: Electrical distribution system (90-2-345)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	600,000
	Prior Biennia (Expenditures) . . . . .	\$	771,600
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,371,600
(24)	Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,500,000
	Prior Biennia (Expenditures) . . . . .	\$	1,063,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	3,563,000
(25)	Preplanning (90-4-009)		

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the

security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

Reappropriation:

CEP & RI Acct . . . . . \$ 50,000

Appropriation:

CEP & RI Acct . . . . . \$ 273,300

Prior Biennia (Expenditures) . . . . . \$ 141,400

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 464,700

(26) Maple Lane: To add twenty-four new level 2 security beds (90-5-001)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 1,100,000

Prior Biennia (Expenditures) . . . . . \$ 156,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,256,000

(27) Echo Glen: Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 850,000

Prior Biennia (Expenditures) . . . . . \$ 106,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 956,000

(28) Fircrest: Food bank facility (90-5-011)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 500,000

Prior Biennia (Expenditures) . . . . . \$ 288,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 788,000

(29) Minor capital renewal fire safety (92-1-004)

Appropriation:

CEP & RI Acct . . . . . \$ 742,066

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 1,783,600

TOTAL . . . . . \$ 2,525,666

(30) Minor capital renewal utility and facility (92-2-001)

Appropriation:

CEP & RI Acct . . . . . \$ 750,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 1,856,500

	TOTAL . . . . .	\$	2,606,500
(31)	Minor capital renewal roads and grounds (92-2-002)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	961,800
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,525,600
	TOTAL . . . . .	\$	2,487,400
(32)	Minor capital renewal roofs (92-2-003)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	819,813
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,969,900
	TOTAL . . . . .	\$	2,789,713
(33)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	359,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	663,900
	TOTAL . . . . .	\$	1,022,900
(34)	Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	250,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	538,100
	TOTAL . . . . .	\$	788,100
(35)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	145,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	618,000
	TOTAL . . . . .	\$	763,000



- (36) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	13,669,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	13,669,000

- (37) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	7,578,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	7,578,000

- (38) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:

CEP & RI Acct . . . . .	\$	192,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	430,500
TOTAL . . . . .	\$	622,500

- (39) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)

Appropriation:

CEP & RI Acct . . . . .	\$	300,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	300,000

- (40) Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)

Appropriation:

CEP & RI Acct . . . . .	\$	758,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,849,731

	TOTAL . . . . .	\$	2,607,731
(41)	Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	1,317,200
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,656,600
	TOTAL . . . . .	\$	3,973,800
(42)	Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	912,400
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,472,000
	TOTAL . . . . .	\$	2,384,400
(43)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	6,715,800
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	6,715,800
(44)	Maple Lane: To add forty-seven new level 2 security beds (92-2-230)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	3,107,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,107,000

- (45) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,642,300
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,642,300

- (46) Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)

Appropriation:

CEP & RI Acct . . . . .	\$	292,800
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	473,500
TOTAL . . . . .	\$	766,300

- (47) Resource conservation: For energy and water conservation projects (92-4-006)

Appropriation:

CEP & RI Acct . . . . .	\$	561,100
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	442,600
TOTAL . . . . .	\$	1,003,700

- (48) Peninsula Lodge renovation: To renovate the building on the Frances Hadden Morgan complex for a youth drug treatment center

Appropriation:

St Bldg Constr Acct. . . . .	\$	500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	500,000

- (49) Washington Institute for Mental Illness Research at Western State Hospital

Appropriation:

CEP & RI . . . . .	\$	700,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	700,000

**NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF HEALTH**

- (1) Referendum 38: Water bonds (86-2-099)

Reappropriation:

Improv-Water Supply . . . . .	\$	6,100,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	6,100,000
(2)	Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct . . . . .	\$	1,200,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	18,500,000
	TOTAL . . . . .	\$	19,700,000
(3)	Consolidated request: Emergency repairs (92-2-002)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	49,560
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	49,560
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit at the public health laboratory (92-2-003)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	88,427
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	88,427
(5)	Consolidated request: Small repairs and improvements (92-2-004)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	49,560
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	49,560
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)		
	Appropriation:		
	CEP & RI Acct . . . . .	\$	297,124
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	297,124
(7)	Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)		
	Appropriation:		

CEP & RI Acct . . . . .	\$	176,208
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	176,208

- (8) Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)

Appropriation:

CEP & RI Acct . . . . .	\$	92,509
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	92,509

- (9) Energy management system, phase 3 (92-4-006)

Appropriation:

CEP & RI Acct . . . . .	\$	99,117
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	99,117

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF VETERANS'

AFFAIRS

- (1) Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the veterans' home (88-1-014)

Reappropriation:

CEP & RI Acct . . . . .	\$	45,000
Appropriation:		
CEP & RI Acct . . . . .	\$	435,570

Prior Biennia (Expenditures) . . . . .	\$	349,440
Future Biennia (Projected Costs) . . . . .	\$	0
		-----

TOTAL . . . . . \$ 830,010

- (2) Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)

Reappropriation:

CEP & RI Acct . . . . .	\$	50,000
Appropriation:		
CEP & RI Acct . . . . .	\$	304,129

Prior Biennia (Expenditures) . . . . .	\$	100,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----

TOTAL . . . . . \$ 454,129

(3)	Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	281,000
	Appropriation:		
	CEP & RI Acct . . . . .	\$	277,951
	Prior Biennia (Expenditures) . . . . .	\$	313,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	871,951

## (4) Design and renovate Garfield (90-5-012)

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes. In addition, the appropriation in this subsection may not be expended until the department has studied the appropriateness and the costs and benefits of Medicaid certification for its existing facilities and has reported the results of this study to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

	Appropriation:		
	CEP & RI Acct-Federal . . . . .	\$	2,878,000
	CEP & RI Acct . . . . .	\$	1,550,000
	Subtotal Appropriation . . . . .	\$	4,428,000
	Prior Biennia (Expenditures) . . . . .	\$	35,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,463,000

## (5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)

	Appropriation:		
	CEP & RI Acct . . . . .	\$	60,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	353,784
	TOTAL . . . . .	\$	413,784

## (6) Contingency for emergency repairs (92-2-002)

	Appropriation:		
	CEP & RI Acct . . . . .	\$	150,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	150,000

- (7) Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)

## Appropriation:

CEP & RI Acct . . . . .	\$	307,282
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	307,282

- (8) Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)

## Appropriation:

CEP & RI Acct . . . . .	\$	121,111
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	121,111

- (9) Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)

## Appropriation:

CEP & RI Acct . . . . .	\$	299,592
Prior Biennia (Expenditures) . . . . .	\$	88,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	387,592

- (10) Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)

## Appropriation:

CEP & RI Acct . . . . .	\$	13,414
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	145,605
TOTAL . . . . .	\$	159,019

- (11) Steam distribution study (92-2-024)

## Reappropriation:

CEP & RI Acct . . . . .	\$	22,200
Appropriation:		
CEP & RI Acct . . . . .	\$	3,409
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,117,406
TOTAL . . . . .	\$	1,143,015

(12) Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)

Appropriation:	
CEP & RI Acct . . . . .	\$ 134,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 134,000

(13) Minor works: Covered walkway (92-5-008)

Appropriation:	
CEP & RI Acct . . . . .	\$ 38,038
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
TOTAL . . . . .	\$ 38,038

(14) Preplanning for an Eastern Washington Veteran's Health Service Center, including analysis of potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation

In assessing the need for a facility, the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
- (b) Rehabilitation and therapy that, upon completion, allow the veterans to return to or remain in the home or an alternative community living situation;
- (c) Alzheimers disease care;
- (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
- (e) Assisted living;
- (f) Temporary living quarters for homeless veterans;
- (g) Adult daycare;
- (h) Referral and coordination of services for veterans in their communities; and
- (i) Residential nursing care for functionally disabled veterans.

Appropriation:	
CEP & RI Acct . . . . .	\$ 148,492
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 148,492

**NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF CORRECTIONS**

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

- (a) The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.



(b) If enacted by June 30, 1991, the contracting methods authorized by Engrossed Substitute House Bill No. 1777 may be employed by the department of corrections in constructing the eligible projects contained in this section.

- (1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 1,800,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 9,687,000

Prior Biennia (Expenditures) . . . . . \$ 19,513,213

Future Biennia (Projected Costs) . . . . . \$ 9,281,500

TOTAL . . . . . \$ 40,281,713

- (2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 1,300,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 1,609,000

Prior Biennia (Expenditures) . . . . . \$ 11,536,721

Future Biennia (Projected Costs) . . . . . \$ 4,274,000

TOTAL . . . . . \$ 18,719,721

- (3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 4,800,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 3,230,500

Prior Biennia (Expenditures) . . . . . \$ 2,084,319

Future Biennia (Projected Costs) . . . . . \$ 4,780,000

TOTAL . . . . . \$ 14,894,819

- (4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 600,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 1,922,500

	Prior Biennia (Expenditures) . . . . .	\$	5,500,879
	Future Biennia (Projected Costs) . . . . .	\$	3,737,000
	TOTAL . . . . .	\$	11,760,379
(5)	McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,000,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,040,000
	Prior Biennia (Expenditures) . . . . .	\$	6,184,008
	Future Biennia (Projected Costs) . . . . .	\$	3,805,000
	TOTAL . . . . .	\$	14,029,008
(6)	State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin Rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	300,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,298,000
	Prior Biennia (Expenditures) . . . . .	\$	1,013,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,611,000
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin Rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	700,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,731,000
	Prior Biennia (Expenditures) . . . . .	\$	661,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,092,000
(8)	McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)		

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 27,000,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 37,126,000

Prior Biennia (Expenditures) . . . . . \$ 5,012,222

Future Biennia (Projected Costs) . . . . . \$ 12,708,000

TOTAL . . . . . \$ 81,846,222

- (9) Prerelease facility development: To plan a prerelease facility in western Washington

Appropriation:

St Bldg Constr Acct. . . . . \$ 167,000

Prior Biennia (Expenditures) . . . . . \$ 415,391

Future Biennia (Projected Costs) . . . . . \$ 7,374,000

TOTAL . . . . . \$ 7,956,391

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 800,000

Appropriation:

St Bldg Constr Acct. . . . . \$ 3,388,000

Prior Biennia (Expenditures) . . . . . \$ 815,000

Future Biennia (Projected Costs) . . . . . \$ 7,709,000

TOTAL . . . . . \$ 12,712,000

- (11) Hazardous materials management (90-1-004)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 200,000

Prior Biennia (Expenditures) . . . . . \$ 79,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 279,000

- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 600,000

Prior Biennia (Expenditures) . . . . . \$ 1,052,000

Future Biennia (Projected Costs) . . . . . \$ 1,183,000

	TOTAL . . . . .	\$	2,835,000
(13)	State-wide minor projects (90-1-009)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	900,000
	St Bldg Constr Acct. . . . .	\$	1,300,000
			-----
	Subtotal Appropriation. . . . .	\$	2,200,000
	Prior Biennia (Expenditures). . . . .	\$	3,149,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	300,000
	Prior Biennia (Expenditures). . . . .	\$	456,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	Reappropriation:		
	CEP & RI Acct . . . . .	\$	50,000
	Appropriation:		
	CEP & RI Acct . . . . .	\$	750,000
	Prior Biennia (Expenditures). . . . .	\$	700,000
	Future Biennia (Projected Costs) . . . . .	\$	750,000
			-----
	TOTAL . . . . .	\$	2,250,000
(16)	New regional camps (three 400-bed camps) (90-2-001)		
	\$15,167,000 of the amount appropriated in this subsection is provided for implementation of the master plan at the Washington Corrections Center for Women in lieu of one of the three camps.		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	45,500,000
	Prior Biennia (Expenditures). . . . .	\$	1,405,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	46,905,000
(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,050,000
	Prior Biennia (Expenditures). . . . .	\$	160,000
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	1,210,000
(18)	Forestry camp expansion (90-5-027)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,350,000
	Drug Enf & Ed Acct . . . . .	\$	5,900,000
	Subtotal Reappropriation . . . . .	\$	8,250,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	3,000,000
	Prior Biennia (Expenditures). . . . .	\$	3,266,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	14,516,000
(19)	Twin Rivers Corrections Center: Double bunking (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,500,000
	Prior Biennia (Expenditures). . . . .	\$	481,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,981,000
(20)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures). . . . .	\$	128,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,128,000
(21)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	600,000
	Prior Biennia (Expenditures). . . . .	\$	1,138,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,738,000
(22)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,450,000
	Prior Biennia (Expenditures). . . . .	\$	187,000

	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,637,000
(23)	New 1,024-bed institution (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	3,700,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	93,036,000
	Prior Biennia (Expenditures) . . . . .	\$	717,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	97,453,000
(24)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,100,000
	Prior Biennia (Expenditures) . . . . .	\$	113,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,213,000
(25)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	150,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,631,000
	Prior Biennia (Expenditures) . . . . .	\$	1,350,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,131,000
(26)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	23,000,000
	Prior Biennia (Expenditures) . . . . .	\$	2,301,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	25,301,000
(27)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	300,000

	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,000,000
			-----
	TOTAL . . . . .	\$	1,300,000
(28)	State-wide minor projects: For projects less than \$500,000 pertaining to life/safety code compliance, property protection, or essential program support (92-1-012)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	5,000,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	4,976,000
			-----
	TOTAL . . . . .	\$	9,976,000
(29)	State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	497,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	497,000
(30)	Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)		
	The appropriation in this subsection is subject to the following conditions and limitations: Pellet fuels shall be the primary fuel source.		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,164,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	2,164,000
(31)	Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,443,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,443,000
(32)	Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	888,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	888,000

(33) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	729,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	729,000

(34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	1,084,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,084,000

(35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventive maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

Appropriation:		
St Bldg Constr Acct. . . . .	\$	325,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	325,000

(36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	1,426,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,426,000



NEW SECTION. Sec. 16. FOR THE WASHINGTON STATE ENERGY OFFICE

(1)	Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,729,400
	Appropriation:		
	Energy Eff Constr Acct. . . . .	\$	5,000,000
	Prior Biennia (Expenditures). . . . .	\$	217,000
	Future Biennia (Projected Costs). . . . .	\$	6,946,400
			-----
	TOTAL. . . . .	\$	13,892,800
(2)	Energy partnership services: For project start-up		
	Appropriation:		
	Energy Eff Svcs Acct. . . . .	\$	1,100,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs). . . . .	\$	0
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	TOTAL. . . . .	\$	1,100,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

(1)	Referendum 26: Waste disposal facilities (74-5-004)		
	Reappropriation:		
	LIRA, Waste Disp Fac . . . . .	\$	15,660,673
	Prior Biennia (Expenditures). . . . .	\$	8,093,028
	Future Biennia (Projected Costs). . . . .	\$	0
			-----
	TOTAL. . . . .	\$	23,753,701
(2)	Referendum 38: Water supply facilities (74-5-006)		
	Reappropriation:		
	LIRA, Water Sup Fac. . . . .	\$	26,744,618
	Prior Biennia (Expenditures). . . . .	\$	2,466,576
	Future Biennia (Projected Costs). . . . .	\$	29,763,000
			-----
	TOTAL. . . . .	\$	58,974,194
(3)	State emergency water project revolving account (76-5-003)		
	Reappropriation:		
	Emerg Water Proj Rev Acct. . . . .	\$	7,599,337
	Appropriation:		
	Emerg Water Proj Rev Acct. . . . .	\$	1,343,929
	Prior Biennia (Expenditures). . . . .	\$	16,586,284
	Future Biennia (Projected Costs). . . . .	\$	224,761
			-----
	TOTAL. . . . .	\$	25,754,311

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

The appropriations in this subsection are subject to the following conditions and limitations: No expenditure shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac . . . . .	\$	44,450,000
Appropriation		
LIRA, Waste Disp Fac . . . . .	\$	17,148,000
Prior Biennia (Expenditures) . . . . .	\$	401,402,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	463,000,000

(5) Water quality account (86-5-007)

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

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects that reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations apply to the department's total distribution of funds appropriated under this subsection:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers, with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (b)(i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount

of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection (5)(d) represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025. If the bill is not enacted by June 30, 1991, the director of the department shall coordinate with the department of community development, the office of financial management, the department of health, and the Puget Sound water quality authority as well as other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:

Water Quality Acct . . . . .	\$	134,422,504
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Appropriation:

Water Quality Acct . . . . .	\$	85,607,310
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Prior Biennia (Expenditures) . . . . .	\$	53,036,533
Future Biennia (Projected Costs) . . . . .	\$	157,835,000

TOTAL . . . . .	\$	430,901,347
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(6) Methow Basin Water Conservation

This appropriation shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:

St Bldg Constr Acct. . . . .	\$	400,000
LIRA, Water Sup Fac. . . . .	\$	800,000

Subtotal Appropriation. . . . .	\$	1,200,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	1,200,000
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(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:	
Local Toxics Control . . . . .	\$ 27,653,297
Appropriation:	
Local Toxics Control . . . . .	\$ 59,183,607
Prior Biennia (Expenditures) . . . . .	\$ 18,467,142
Future Biennia (Projected Costs) . . . . .	\$ 106,984,641
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TOTAL . . . . .	\$ 212,288,687

NEW SECTION. Sec. 18. FOR THE STATE PARKS AND RECREATION COMMISSION

(1)	Yakima sportsman: Yakima greenway acquisition (81-3-098)		
	Reappropriation:		
	ORA-State . . . . .	\$	50,000
	Prior Biennia (Expenditures) . . . . .	\$	25,279
	Future Biennia (Projected Costs) . . . . .	\$	0
	<hr/>		
	TOTAL . . . . .	\$	75,279
(2)	State-wide: Water supply facilities (86-1-002)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	1,035,000
	Future Biennia (Projected Costs) . . . . .	\$	0
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	TOTAL . . . . .	\$	1,065,000
(3)	State-wide: Sewage treatment facilities (86-1-003)		
	Reappropriation:		
	LIRA, Waste Fac 1980 . . . . .	\$	128,000
	ORA-Federal . . . . .	\$	20,007
	ORA-State . . . . .	\$	22,000
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	Subtotal Reappropriation . . . . .	\$	170,000
	Prior Biennia (Expenditures) . . . . .	\$	148,538
	Future Biennia (Projected Costs) . . . . .	\$	0
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	TOTAL . . . . .	\$	318,545
(4)	State-wide: Boating improvements (86-3-005)		

	Reappropriation:		
	ORA-Federal . . . . .	\$	36,700
	ORA-State . . . . .	\$	42,500
			-----
	Subtotal Reappropriation . . . . .	\$	79,200
	Prior Biennia (Expenditures) . . . . .	\$	2,404
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	81,604
(5)	State-wide: Landscape repairs (86-1-026)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	10,000
	Prior Biennia (Expenditures) . . . . .	\$	70,689
	Future Biennia (Projected Costs) . . . . .	\$	0
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	TOTAL . . . . .	\$	80,689
(6)	West Hylebos: Acquisition and development (86-4-013)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	5,498
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	195,498
(7)	Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovation of mountain lake dam (89-1-110)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	140,000
	Prior Biennia (Expenditures) . . . . .	\$	161,265
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	301,265
(8)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	279,000
	ORA-Federal . . . . .	\$	170,000
	ORA-State . . . . .	\$	158,000
			-----
	Subtotal Reappropriation . . . . .	\$	607,000
	Prior Biennia (Expenditures) . . . . .	\$	656,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,263,000
(9)	Auburn game farm: Development (87-3-012)		

	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	235,000
	Prior Biennia (Expenditures). . . . .	\$	271,085
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	526,085
(10)	Green river gorge: Phased acquisition (87-5-010)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	140,000
	Prior Biennia (Expenditures). . . . .	\$	123,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	263,000
(11)	Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	150,000
	Improv-Water Supply . . . . .	\$	100,000
	Subtotal Reappropriation . . . . .	\$	250,000
	Prior Biennia (Expenditures). . . . .	\$	672,305
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	922,305
(12)	State-wide: Sewer facilities (88-1-007)		
	Reappropriation:		
	LIRA, Waste Fac 1980 . . . . .	\$	75,000
	St Bldg Constr Acct. . . . .	\$	25,000
	Subtotal Reappropriation . . . . .	\$	100,000
	Prior Biennia (Expenditures). . . . .	\$	81,499
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	181,499
(13)	State-wide: Boat pumpout facilities (88-1-009)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	267,000
	Prior Biennia (Expenditures). . . . .	\$	146,762
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	413,762
(14)	Ocean City: Municipal sewer connection (88-1-010)		
	Reappropriation:		
	LIRA, Waste Fac 1980 . . . . .	\$	150,000

St Bldg Constr Acct. . . . .	\$	80,000
Subtotal Reappropriation . . . . .	\$	230,000
Prior Biennia (Expenditures) . . . . .	\$	133,374
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	363,374
(15) State-wide: Boat traffic control (88-1-013)		
Reappropriation:		
ORA-State . . . . .	\$	20,000
Prior Biennia (Expenditures) . . . . .	\$	12,613
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	32,613
(16) Saint Edward: Light entrance trail and comfort station (88-1-041)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	210,000
Prior Biennia (Expenditures) . . . . .	\$	12,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	222,000
(17) State-wide: Boating facilities (88-2-011)		
Reappropriation:		
ORA-State . . . . .	\$	20,000
Prior Biennia (Expenditures) . . . . .	\$	91,263
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	111,263
(18) State-wide: Boating facilities (88-2-012)		
Reappropriation:		
ORA-State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	374,736
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	474,736
(19) State-wide: Park facility renovation (88-2-025)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	30,000
LIRA, Public Rec Fac . . . . .	\$	17,000
Subtotal Reappropriation . . . . .	\$	47,000
Prior Biennia (Expenditures) . . . . .	\$	209,146
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	----- 256,146
(20)	Camp Wooten: Comfort station (88-2-041)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	50,000
	Prior Biennia (Expenditures). . . . .	\$	107,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	----- 157,000
(21)	Camano Island: Point Lowell road relocation (88-3-043)		
	Reappropriation:		
	Motor Vehicle Acct . . . . .	\$	580,000
	Prior Biennia (Expenditures). . . . .	\$	141,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	----- 721,000
(22)	Maryhill: Development (88-5-035)		
	Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	930,000
	Prior Biennia (Expenditures). . . . .	\$	146,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	----- 1,076,000
(23)	Ocean beaches: Acquisition of ocean beaches (88-5-036)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	430,000
	Prior Biennia (Expenditures). . . . .	\$	24,503
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	----- 454,503
(24)	Crystal Falls: Acquisition and development (88-5-057)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	25,000
	Prior Biennia (Expenditures). . . . .	\$	3,799
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	----- 28,799
(25)	Blake Island: Fire protection system (89-1-050)		



	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	108,000
	Prior Biennia (Expenditures). . . . .	\$	10,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	118,000
(26)	State-wide: Water supply and irrigation (89-1-101)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	190,000
	Prior Biennia (Expenditures). . . . .	\$	85,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	275,000
(27)	State-wide: Sanitary facilities (89-1-102)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	150,000
	Prior Biennia (Expenditures). . . . .	\$	2,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	152,000
(28)	Electrical code compliance: To complete electrical code compliance projects (89-1-103)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	140,000
	ORA-State . . . . .	\$	45,000
			-----
	Subtotal Reappropriation . . . . .	\$	185,000
	Prior Biennia (Expenditures). . . . .	\$	109,700
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	394,700
(29)	Moran: Renovate mountain lake dam (89-1-110)		
	Reappropriation: . . . . .	\$	40,000
	Prior Biennia (Expenditures). . . . .	\$	104,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	144,000
(30)	State-wide: Compliance with safe drinking water act (89-1-116)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	280,000
	Prior Biennia (Expenditures). . . . .	\$	161,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----

	TOTAL . . . . .	\$	441,000
(31)	Camp Wooten: Sewage system renovation, phase 2 (89-1-122)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	40,000
	Prior Biennia (Expenditures) . . . . .	\$	98,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	138,000
(32)	Sacajawea: Modify river floats (89-1-129)		
	Reappropriation:		
	ORA-State . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	2,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	192,000
(33)	State-wide: Boating and marine construction (89-2-106)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	135,000
	ORA-State . . . . .	\$	545,000
	Subtotal Reappropriation . . . . .	\$	680,000
	Prior Biennia (Expenditures) . . . . .	\$	173,300
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	853,300
(34)	State-wide: General construction (89-2-107)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	410,000
	Prior Biennia (Expenditures) . . . . .	\$	150,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	560,000
(35)	State-wide: General construction (89-2-109)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	185,000
	Prior Biennia (Expenditures) . . . . .	\$	34,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	219,000
(36)	Westhaven: Comfort station replacement (89-2-119)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	400,000

	Prior Biennia (Expenditures) . . . . .	\$	23,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	423,000
(37)	Lake Sammamish: Boat launch repairs (89-2-139)		
	Reappropriation:		
	ORA-State . . . . .	\$	100,000
	Prior Biennia (Expenditures) . . . . .	\$	14,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	114,000
(38)	State-wide: Site and environmental protection (89-3-104)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	280,000
	Prior Biennia (Expenditures) . . . . .	\$	20,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	300,000
(39)	State-wide: Acquisition (89-3-105)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	65,000
	Prior Biennia (Expenditures) . . . . .	\$	50,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	115,000
(40)	State-wide: Weatherproofing (89-3-108)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	83,000
	Prior Biennia (Expenditures) . . . . .	\$	84,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	167,000
(41)	Fort Worden: Rebuild boat launch breakwater (89-3-135)		
	Reappropriation:		
	ORA-State . . . . .	\$	300,000
	Prior Biennia (Expenditures) . . . . .	\$	15,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	315,000
(42)	Larrabee: Development (89-5-002)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	315,000
	ORA-Federal . . . . .	\$	140,540

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	Subtotal Reappropriation . . . . .	\$	455,540
	Prior Biennia (Expenditures) . . . . .	\$	25,350
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	480,890
(43)	Spokane Centennial Trail: Acquisition and initial development (89-5-112)		
	Reappropriation:		
	General Fund-Federal . . . . .	\$	3,500,000
	St Bldg Constr Acct. . . . .	\$	107,000
	ORA-Federal . . . . .	\$	119,000
	Subtotal Reappropriation . . . . .	\$	3,926,000
	Prior Biennia (Expenditures) . . . . .	\$	3,883,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	7,809,000
(44)	Fort Casey: Acquire Keystone Spit, phase 2 (89-5-113)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	103,000
	Prior Biennia (Expenditures) . . . . .	\$	302,693
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	405,693
(45)	Belfair: Acquisition, phase 2 (89-5-114)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	27,000
	Prior Biennia (Expenditures) . . . . .	\$	221,805
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	248,805
(46)	Fort Canby: Initial development, Beard's Hollow (89-5-115)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	270,000
	Prior Biennia (Expenditures) . . . . .	\$	19,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	289,000
(47)	Ocean beaches access: Comfort station and parking areas (89-5-120)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	298,000
	ORA-Federal . . . . .	\$	316,000
	Subtotal Reappropriation . . . . .	\$	614,000

Prior Biennia (Expenditures) . . . . .	\$	42,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	656,000

## (48) Spokane Centennial Trail: Initial development, the islands (89-5-166)

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	233,000
Prior Biennia (Expenditures) . . . . .	\$	17,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	250,000

## (49) Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	765,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	765,000

## (50) Snohomish county: Snohomish Centennial Trail (89-5-170)

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	852,000
Prior Biennia (Expenditures) . . . . .	\$	248,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,100,000

## (51) Dougs Beach: Initial development, windsurfing access (90-1-171)

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	120,000

## (52) State-wide: Omnibus facility contingency (90-2-002)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	239,400
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,232,000
		-----
TOTAL . . . . .	\$	1,471,400

(53) State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	1,900,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,000,000
TOTAL . . . . .	\$	7,900,000
(54) State-wide: Emergency and unforeseen needs (91-1-001)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	350,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	700,000
TOTAL . . . . .	\$	1,050,000
(55) Iron Horse: John Wayne Trail, tunnel (91-1-005)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	185,000
Prior Biennia (Expenditures). . . . .	\$	11,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	196,000
(56) Colville Tribes Interpretive Center (90-5-172)		
Reappropriation:		
State General Fund . . . . .	\$	25,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	25,000
(57) Iron Horse: Acquisition and trail safety (91-1-006)		
Reappropriation:		
Trust Land Purchase Acct . . . . .	\$	18,000
Prior Biennia (Expenditures). . . . .	\$	182,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	200,000
(58) State-wide: Omnibus minor projects, utilities (91-2-004)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	1,818,300
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,356,000

	TOTAL . . . . .	\$	3,174,300
(59)	State-wide: Omnibus minor projects, general construction (91-2-005)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,918,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	5,342,000
	TOTAL . . . . .	\$	7,260,000
(60)	Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	968,500
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	968,500
(61)	Triton Cove: Renovation (91-2-008)		
	Appropriation:		
	ORA-State . . . . .	\$	582,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	582,000
(62)	State-wide: Omnibus minor works, boating and marine construction (91-2-009)		
	Appropriation:		
	ORA-State . . . . .	\$	379,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	TOTAL . . . . .	\$	2,379,000
(63)	Yakima: Acquisition, phased project (91-5-028)		
	Appropriation:		
	ORA-Federal . . . . .	\$	152,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	152,000
(64)	Haley property: Initial development (91-5-030)		
	Appropriation:		
	ORA-Federal . . . . .	\$	500,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	500,000
(65) Rasar:	Initial development (91-5-032)		
	Appropriation:		
	ORA-Federal . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500,000
(66) Colbert House:	Acquisition of two lots, renovation and preservation (91-5-052)		
	Appropriation:		
	ORA-Federal . . . . .	\$	57,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	57,000
(67) Lake Isabella:	Acquisition, phase 2 (91-5-065)		
	Appropriation:		
	ORA-Federal . . . . .	\$	335,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	335,000
(68) Ocean beaches:	Ocean beach access development (91-5-069)		
	Appropriation:		
	ORA-Federal . . . . .	\$	100,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	100,000
(69) Ocean beaches:	Ocean beach access development (91-5-076)		
	Appropriation:		
	ORA-Federal . . . . .	\$	281,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	281,000
(70) Steamboat Rock:	Random camp area, Jones Bay (95-2-182)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	143,000
	Prior Biennia (Expenditures) . . . . .	\$	8,000
	Future Biennia (Projected Costs) . . . . .	\$	0



TOTAL . . . . .	\$	151,000
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- (71) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across from Mount Si that when connected with other publicly owned land will help to obtain a continuous green belt and recreation area from Snoqualmie Pass to Puget Sound

The appropriation in this subsection shall be matched by \$3,500,000 from other sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,000,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,000,000
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- (72) St. Edward: New gutters and drops

Appropriation:

St Bldg Constr Acct. . . . .	\$	26,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	26,000
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- (73) St. Edward: Gym renovation and parking expansion

Appropriation:

St Bldg Constr Acct. . . . .	\$	665,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	665,000
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- (74) Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	360,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	700,000
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TOTAL . . . . .	\$	1,060,000
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- (75) Washington State International Equestrian Center at Lewis and Clark state park

Appropriation:

St Bldg Constr Acct. . . . .	\$	200,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	200,000
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NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

(1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct . . . . .	\$	498,000
ORA-Federal . . . . .	\$	637,000
ORA-State . . . . .	\$	1,911,000
Firearms Range Acct . . . . .	\$	405,000

Subtotal Reappropriation . . . . . \$ 3,451,000

Prior Biennia (Expenditures) . . . . . \$ 6,254,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 9,705,000

(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:

ORA-State . . . . .	\$	22,000,000
Habitat Conservation Acct . . . . .	\$	21,830,000

Subtotal Reappropriation . . . . . \$ 43,830,000

Prior Biennia (Expenditures) . . . . . \$ 9,170,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 53,000,000

(3) Grants to public agencies (92-2-001)

The appropriations in this subsection are subject to the following conditions and limitations: \$150,000 of the outdoor recreation account-state appropriation may be used to update the off-road vehicle guide.

Appropriation:

General Fund-State . . . . .	\$	660,000
ORA-Federal . . . . .	\$	2,000,000
ORA-State . . . . .	\$	7,750,000
Firearms Range Acct . . . . .	\$	222,000

Subtotal Appropriation . . . . . \$ 10,632,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 21,764,000

TOTAL . . . . . \$ 32,396,000

(4) Washington wildlife recreation program: Grants to state agencies

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

(a) When purchasing critical habitat lands east of the cascade crest, the Washington department of wildlife may only purchase noncontiguous parcels of fewer than one hundred acres, with the exception that the department may

purchase larger parcels in the Methow Valley for protection of the state's largest migratory mule deer route.

(b) \$138,000 of the outdoor recreation account may be used for additional program staff for administration.

Appropriation:

ORA-State . . . . .	\$	12,500,000
Habitat Conservation Acct . . . . .	\$	19,722,000
		-----
Subtotal Appropriation. . . . .	\$	32,222,000

Prior Biennir (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	64,444,000
		-----

TOTAL . . . . .	\$	96,666,000
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(5) Washington wildlife recreation program: Grants to local governments

Appropriation:

ORA-State . . . . .	\$	12,500,000
Habitat Conservation Acct . . . . .	\$	5,278,000
		-----
Subtotal Appropriation. . . . .	\$	17,778,000

Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	35,556,000
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TOTAL . . . . .	\$	53,334,000
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(6) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,750,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,750,000
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(7) For Seattle-King county playing fields

The appropriation in this subsection is contingent upon matching funds from nonstate sources.

Appropriation:

St Bldg Constr Acct. . . . .	\$	250,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	250,000
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NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under Engrossed Substitute Senate Bill No. 5555. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Appropriation:

Pub Fac Constr Loan Rev Acct. . . . .	\$	2,000,000
St Bldg Constr Acct. . . . .	\$	4,000,000
		-----
Subtotal Appropriation. . . . .	\$	6,000,000
Prior Biennia (Expenditures). . . . .	\$	7,429,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	13,429,000

(2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	3,700,000
Prior Biennia (Expenditures). . . . .	\$	1,900,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	843,000
Prior Biennia (Expenditures). . . . .	\$	3,157,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	2,950,000
Prior Biennia (Expenditures). . . . .	\$	12,852,000

	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	15,802,000
(5)	Port infrastructure development projects		

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

Appropriation:			
	St Bldg Constr Acct. . . . .	\$	4,600,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,600,000

NEW SECTION. Sec. 21. FOR THE STATE CONSERVATION COMMISSION

(1)	Water quality account (90-2-001)		
	Reappropriation:		
	Water Quality Acct . . . . .	\$	430,000
	Appropriation:		
	Water Quality Acct . . . . .	\$	2,140,000
	Prior Biennia (Expenditures) . . . . .	\$	1,994,000
	Future Biennia (Projected Costs) . . . . .	\$	3,946,000
	TOTAL . . . . .	\$	8,510,000

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF FISHERIES

(1)	Habitat: Salmon enhancement program (77-5-005)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	15,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,235,000
	Prior Biennia (Expenditures) . . . . .	\$	906,000
	Future Biennia (Projected Costs) . . . . .	\$	2,400,000
	TOTAL . . . . .	\$	4,556,000
(2)	Hood Canal Bridge: Public fishing access (79-2-011)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	22,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	52,000

(3)	Safety, health, and code compliance (86-1-020)		
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\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.

	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	300,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,589,000
	Prior Biennia (Expenditures) . . . . .	\$	559,000
	Future Biennia (Projected Costs) . . . . .	\$	1,800,000
			-----
	TOTAL . . . . .	\$	4,248,000
(4)	Towhead Island public access renovation (86-3-028)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	20,000
	ORA-State . . . . .	\$	170,000
			-----
	Subtotal Reappropriation . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	21,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	211,000
(5)	Knappton boat launch (86-3-038)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	43,000
	Prior Biennia (Expenditures) . . . . .	\$	11,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	54,000
(6)	McAllister: Improvements (88-2-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	50,000
	Prior Biennia (Expenditures) . . . . .	\$	126,999
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	176,999
(7)	Clam and oyster beach (88-5-002)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	1,123,156
	Future Biennia (Projected Costs) . . . . .	\$	1,200,000
			-----
	TOTAL . . . . .	\$	3,323,156
(8)	Fish protection facilities (88-5-012)		

	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	445,000
	Prior Biennia (Expenditures) . . . . .	\$	221,100
	Future Biennia (Projected Costs) . . . . .	\$	600,000
			-----
	TOTAL . . . . .	\$	1,296,100
(9)	Coast and Puget Sound salmon enhancement (88-5-016)		
	Reappropriation:		
	Salmon Enhancement Acct. . . . .	\$	608,320
	St Bldg Constr Acct. . . . .	\$	2,500,000
			-----
	Subtotal Reappropriation . . . . .	\$	3,108,320
	Prior Biennia (Expenditures) . . . . .	\$	1,353,517
	Future Biennia (Projected Costs) . . . . .	\$	3,750,000
			-----
	TOTAL . . . . .	\$	8,211,837
(10)	Shorefishing access (88-5-018)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	550,000
	Prior Biennia (Expenditures) . . . . .	\$	521,946
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,071,946
(11)	South Sound net pen support (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	175,000
	Prior Biennia (Expenditures) . . . . .	\$	168,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	343,000
(12)	Humtulpils: Upgrade intake dam (90-2-010)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	183,100
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	213,100
(13)	Salmon culture: Minor works projects (90-2-011)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	75,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	500,000

	Prior Biennia (Expenditures) . . . . .	\$	580,000
	Future Biennia (Projected Costs) . . . . .	\$	1,100,000
			-----
	TOTAL . . . . .	\$	2,255,000
(14)	Habitat management shop building (90-2-012)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	200,000
	Prior Biennia (Expenditures) . . . . .	\$	235,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	435,000
(15)	Field services: Minor works (90-2-015)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	65,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	200,000
	Prior Biennia (Expenditures) . . . . .	\$	170,000
	Future Biennia (Projected Costs) . . . . .	\$	350,000
			-----
	TOTAL . . . . .	\$	785,000
(16)	Salmon culture: Minor capital projects (90-2-017)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	200,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	767,300
	Prior Biennia (Expenditures) . . . . .	\$	468,700
	Future Biennia (Projected Costs) . . . . .	\$	1,500,000
			-----
	TOTAL . . . . .	\$	2,936,000
(17)	George Adams: Water supply (90-2-019)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	175,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	175,000
(18)	Ilwaco boat access expansion (90-2-023)		
	Reappropriation:		
	ORA-State . . . . .	\$	300,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	300,000



## (19) Bonneville pool boat access (90-2-028)

## Reappropriation:

ORA-State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000

## (20) Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.

## Reappropriation:

ORA-Federal . . . . .	\$	30,000
ORA-State . . . . .	\$	270,000
Subtotal Reappropriation . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	300,000

## (21) Property acquisition (90-3-009)

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	80,000
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	330,000

## (22) Shellfish surveys and Point Whitney repairs (90-3-013)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	175,000
Future Biennia (Projected Costs) . . . . .	\$	250,000
TOTAL . . . . .	\$	525,000

## (23) Strait of Juan de Fuca: Shoreline acquisition (90-5-025)

## Reappropriation:

ORA-State . . . . .	\$	350,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	350,000

## (24) Kingston boat launch (90-5-027)

## Reappropriation:

ORA-State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000
 (25) Fuel tanks: Code compliance program (92-1-002)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	225,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	600,000
TOTAL . . . . .	\$	825,000
 (26) Repair and replace fishing reef buoys (92-1-003)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	100,000
TOTAL . . . . .	\$	175,000
 (27) Develop pathogen-free water and isolation incubation systems (92-2-005)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	500,000
 (28) Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	3,300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	800,000
TOTAL . . . . .	\$	4,100,000
 (29) Construct and remodel coastal field station (92-3-009)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	750,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	750,000
 (30) Water access and development (92-3-030)		
Appropriation:		

	ORA-State . . . . .	\$	1,250,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,250,000
(31)	Reconstruction of the Toutle river hatchery		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	5,000,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	5,000,000
	<u>NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF WILDLIFE</u>		
(1)	Satsop river acquisition and development (86-2-029)		
	Reappropriation:		
	ORA-State . . . . .	\$	55,254
	Prior Biennia (Expenditures) . . . . .	\$	17,796
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	73,050
(2)	Mineral Lake: Site improvements (86-3-028)		
	Reappropriation:		
	ORA-State . . . . .	\$	4,397
	Prior Biennia (Expenditures) . . . . .	\$	35,949
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	40,346
(3)	Aberdeen fish hatchery expansion (89-5-017)		
	Reappropriation:		
	Game Spec Wildlife Acct . . . . .	\$	8,699
	Prior Biennia (Expenditures) . . . . .	\$	731,301
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	740,000
(4)	Health, safety, and code compliance (90-1-001)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	262,484
	Prior Biennia (Expenditures) . . . . .	\$	337,516
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	600,000

(5)	Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)		
	Reappropriation:		
	Wildlife Account-Federal . . . . .	\$	40,000
	Wildlife Account-State . . . . .	\$	32,000
			-----
	Subtotal Reappropriation . . . . .	\$	72,000
	Prior Biennia (Expenditures) . . . . .	\$	1,103,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	335,000
	Wildlife Account-Federal . . . . .	\$	200,000
	Wildlife Account-State . . . . .	\$	150,000
			-----
	Subtotal Reappropriation . . . . .	\$	685,000
	Prior Biennia (Expenditures) . . . . .	\$	2,565,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	3,250,000
(7)	Redevelopment of public fishing access sites (90-2-007)		
	Reappropriation:		
	ORA-State . . . . .	\$	800,000
	Prior Biennia (Expenditures) . . . . .	\$	326,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,126,000
(8)	Develop public fishing access sites (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	288,000
	Game Spec Wildlife Acct . . . . .	\$	136,000
			-----
	Subtotal Reappropriation . . . . .	\$	424,000
	Prior Biennia (Expenditures) . . . . .	\$	6,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	430,000
(9)	Wildlife area repair and development (90-2-016)		
	Reappropriation:		
	Wildlife Account-Federal . . . . .	\$	45,000
	Wildlife Account-State . . . . .	\$	65,000
			-----
	Subtotal Reappropriation . . . . .	\$	110,000

Prior Biennia (Expenditures) . . . . .	\$	200,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	310,000

## (10) Office repairs and improvements (90-2-020)

The reappropriation in this subsection is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

Reappropriation:

Wildlife Account-State . . . . .	\$	511,000
Prior Biennia (Expenditures) . . . . .	\$	69,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	580,000

## (11) Regional offices facility relocation (90-2-021)

Reappropriation:

Wildlife Account-State . . . . .	\$	1,394,000
Prior Biennia (Expenditures) . . . . .	\$	216,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,610,000

## (12) State-wide fencing repair and replacement (90-3-015)

Reappropriation:

Wildlife Account-State . . . . .	\$	141,000
Prior Biennia (Expenditures) . . . . .	\$	627,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	768,000

## (13) Migratory waterfowl habitat acquisition (90-5-005)

Reappropriation:

Wildlife Account-State . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	350,000

## (14) Acquisition of critical water access (90-5-009)

Reappropriation:

ORA-State . . . . .	\$	17,619
Wildlife Account-Federal . . . . .	\$	100,000
		-----
Subtotal Reappropriation . . . . .	\$	117,619
Prior Biennia (Expenditures) . . . . .	\$	2,631

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Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	120,250
 (15) Puyallup tribal settlement (90-5-100)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	794,500
Prior Biennia (Expenditures) . . . . .	\$	5,500
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	800,000
 (16) Health, safety, and code compliance (92-1-001)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,200,000
TOTAL . . . . .	\$	1,700,000
 (17) Public fishing access minor works repair (92-1-004)		
Appropriation:		
Wildlife Account-Federal . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	650,000
TOTAL . . . . .	\$	950,000
 (18) Public access toilet replacement (92-1-005)		
Appropriation:		
Wildlife Account-Federal . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	600,000
TOTAL . . . . .	\$	800,000
 (19) Emergency repair and replacement (92-2-002)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	45,000
Wildlife Account-State . . . . .	\$	300,000
Subtotal Appropriation . . . . .	\$	345,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	690,000
TOTAL . . . . .	\$	1,035,000
 (20) Facility small repair and improvement (92-2-003)		
Appropriation:		

St Bldg Constr Acct. . . . .	\$	37,500
Wildlife Account-State . . . . .	\$	462,000
Subtotal Appropriation. . . . .	\$	499,500
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	836,000
TOTAL . . . . .	\$	1,335,500

## (21) Wildlife area repair and development (92-2-007)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	30,000
Wildlife Account-Federal . . . . .	\$	50,000
Wildlife Account-State . . . . .	\$	170,000
Subtotal Appropriation. . . . .	\$	250,000
Prior Biennia (Expenditures). . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	500,000
TOTAL . . . . .	\$	1,000,000

## (22) Hatchery renovation and improvement (92-2-009)

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of this appropriation shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

## Appropriation:

St Bldg Constr Acct. . . . .	\$	1,000,000
Wildlife Account-Federal . . . . .	\$	1,000,000
Wildlife Account-State . . . . .	\$	1,000,000
Subtotal Appropriation. . . . .	\$	3,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,000,000
TOTAL . . . . .	\$	9,000,000

## (23) Mitigation and dedicated funding projects (92-2-011)

## Appropriation:

Wildlife Account-Federal . . . . .	\$	3,100,000
Wildlife Account-Private/Local . . . . .	\$	4,850,000
Game Spec Wildlife Acct . . . . .	\$	50,000
Subtotal Appropriation. . . . .	\$	8,000,000
Prior Biennia (Expenditures). . . . .	\$	769,000
Future Biennia (Projected Costs) . . . . .	\$	16,000,000
TOTAL . . . . .	\$	24,769,000

## (24) Wildlife area repair and development (92-2-023)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	37,500
Wildlife Account-State . . . . .	\$	70,000

Subtotal Appropriation. . . . .	\$	107,500
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Prior Biennia (Expenditures). . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	215,000
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TOTAL . . . . .	\$	322,500
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## (25) Hatchery renovation and improvement (92-2-025)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	45,600
Wildlife Account-State . . . . .	\$	258,400

Subtotal Appropriation. . . . .	\$	304,000
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Prior Biennia (Expenditures). . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	5,740,000
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TOTAL . . . . .	\$	6,044,000
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## (26) Acquisition, development, and redevelopment (92-2-015)

## Appropriation:

ORA-State . . . . .	\$	694,000
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Prior Biennia (Expenditures). . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	1,750,000
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TOTAL . . . . .	\$	2,444,000
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## (27) State-wide fencing repair and replacement (92-3-006)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	75,000
Wildlife Account-State . . . . .	\$	425,000

Subtotal Appropriation. . . . .	\$	500,000
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Prior Biennia (Expenditures). . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	1,000,000
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TOTAL . . . . .	\$	1,500,000
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## (28) Skagit wildlife area dike repair (92-3-008)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	26,250
Wildlife Account-State . . . . .	\$	145,000

Subtotal Appropriation. . . . .	\$	171,250
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Prior Biennia (Expenditures). . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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	TOTAL . . . . .	\$	171,250
(29)	Migratory waterfowl habitat acquisition (92-5-012)		
	Appropriation:		
	Wildlife Account-State . . . . .	\$	350,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	700,000
	TOTAL . . . . .	\$	1,050,000
(30)	Migratory waterfowl habitat development (92-5-013)		
	Appropriation:		
	Wildlife Account-State . . . . .	\$	350,000
	Prior Biennia (Expenditures) . . . . .	\$	450,000
	Future Biennia (Projected Costs) . . . . .	\$	700,000
	TOTAL . . . . .	\$	1,500,000
(31)	Acquisition of wildlife habitat surplus property (92-5-014)		
	\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.		
	Appropriation:		
	Wildlife Account-State . . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	600,000
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	TOTAL . . . . .	\$	3,600,000
(32)	Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	450,000
	Prior Biennia (Expenditures) . . . . .	\$	294,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	744,000
(33)	Habitat enhancement fund (92-5-022)		
	Appropriation:		
	Wildlife Account-Private/Local . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,000,000
	TOTAL . . . . .	\$	1,500,000
(34)	Grandy Creek hatchery (92-5-024)		

Expenditure of the appropriation in this subsection is contingent on an in-kind contribution of dollars or services from nonstate sources of at least \$200,000.

Appropriation:

Wildlife Account-State . . . . .	\$	4,684,166
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 4,684,166

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Aquatic land enhancement (86-3-020)

Reappropriation:

Aquatic Lands Acct . . . . .	\$	3,924,000
Prior Biennia (Expenditures). . . . .	\$	301,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 4,225,000

(2) Natural area preserves--Property purchases (88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.

Reappropriation:

Conservation Area Acct. . . . .	\$	280,000
Prior Biennia (Expenditures). . . . .	\$	5,191,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 5,471,000

(3) Woodard Bay natural resource conservation area fencing development (90-3-103)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	170,000
Prior Biennia (Expenditures). . . . .	\$	100,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 270,000

(4) Dishman Hills protection development (90-3-104)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	70,000
Prior Biennia (Expenditures). . . . .	\$	50,000
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	120,000
(5)	Natural area preserves management (90-3-105)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	55,000
	Prior Biennia (Expenditures). . . . .	\$	95,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	150,000
(6)	Construct and improve recreation sites (90-5-201)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	170,000
	Prior Biennia (Expenditures). . . . .	\$	320,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	490,000
(7)	Seattle waterfront, phase 1 development (90-5-202)		
	Reappropriation:		
	ORA-State . . . . .	\$	749,000
	Prior Biennia (Expenditures). . . . .	\$	1,000
	Future Biennia (Projected Costs) . . . . .	\$	750,000
	TOTAL . . . . .	\$	1,500,000
(8)	Woodard Bay health and safety development (90-5-203)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	70,000
	Prior Biennia (Expenditures). . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	270,000
(9)	Long Lake, phase 2 development (90-5-204)		
	Reappropriation:		
	ORV Acct . . . . .	\$	140,000
	ORA-State . . . . .	\$	140,000
	Subtotal Reappropriation . . . . .	\$	280,000
	Prior Biennia (Expenditures). . . . .	\$	185,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	465,000
(10)	Underground storage tanks (92-1-103)		
	Appropriation:		
	Forest Development Acct. . . . .	\$	147,000

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Res Mgmt Cost Acct . . . . .	\$	472,000
St Bldg Constr Acct. . . . .	\$	181,000
		<hr/>
Subtotal Appropriation. . . . .	\$	800,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,960,000
		<hr/>
TOTAL . . . . .	\$	2,760,000

## (11) State-wide emergency repairs (92-1-104)

## Appropriation:

Forest Development Acct. . . . .	\$	14,300
Res Mgmt Cost Acct . . . . .	\$	53,700
St Bldg Constr Acct. . . . .	\$	32,000
		<hr/>
Subtotal Appropriation. . . . .	\$	100,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	200,000
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TOTAL . . . . .	\$	300,000

## (12) Environmental protection (92-1-105)

## Appropriation:

Forest Development Acct. . . . .	\$	113,200
Res Mgmt Cost Acct . . . . .	\$	232,800
St Bldg Constr Acct. . . . .	\$	154,000
		<hr/>
Subtotal Appropriation. . . . .	\$	500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	607,700
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TOTAL . . . . .	\$	1,107,700

## (13) Northwest region office expansion: Design and construction (92-1-102)

## Appropriation:

Forest Development Acct. . . . .	\$	286,200
Res Mgmt Cost Acct . . . . .	\$	297,800
St Bldg Constr Acct. . . . .	\$	216,000
		<hr/>
Subtotal Appropriation. . . . .	\$	800,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	800,000

## (14) Southwest region office space expansion: Design and construction (92-1-106)

## Appropriation:

Forest Development Acct. . . . .	\$	193,100
Res Mgmt Cost Acct . . . . .	\$	302,000
St Bldg Constr Acct. . . . .	\$	255,000

Subtotal Appropriation. . . . .	\$	750,100
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	750,100
 (15) Minor works: Building and compound (92-1-107)		
Appropriation:		
Forest Development Acct. . . . .	\$	111,700
Res Mgmt Cost Acct . . . . .	\$	215,200
St Bldg Constr Acct. . . . .	\$	158,500
Subtotal Appropriation. . . . .	\$	485,400
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,333,400
TOTAL . . . . .	\$	2,818,800
 (16) Facilities: Small repairs and improvements (92-1-108)		
Appropriation:		
Forest Development Acct. . . . .	\$	21,800
Res Mgmt Cost Acct . . . . .	\$	53,300
St Bldg Constr Acct. . . . .	\$	25,000
Subtotal Appropriation. . . . .	\$	100,100
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	194,000
TOTAL . . . . .	\$	294,100
 (17) Emergency repairs recreation sites (92-1-206)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	100,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	200,000
TOTAL . . . . .	\$	300,000
 (18) Environmental clean-up: Trust and forest board lands (92-1-404)		
Appropriation:		
Forest Development Acct. . . . .	\$	150,000
Res Mgmt Cost Acct . . . . .	\$	350,000
Subtotal Appropriation. . . . .	\$	500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,000,000
TOTAL . . . . .	\$	1,500,000

## (19) Right of way acquisitions (92-2-401)

## Appropriation:

Forest Development Acct. . . . .	\$	200,000
Res Mgmt Cost Acct . . . . .	\$	590,000

Subtotal Appropriation. . . . .	\$	790,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,035,000

TOTAL . . . . .	\$	1,825,000
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## (20) Regional seedling cold storage (92-2-406)

## Appropriation:

Forest Development Acct. . . . .	\$	165,000
Res Mgmt Cost Acct . . . . .	\$	202,000

Subtotal Appropriation. . . . .	\$	367,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	367,000

TOTAL . . . . .	\$	734,000
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## (21) Real estate property, small repairs and improvements (92-2-407)

## Appropriation:

Res Mgmt Cost Acct . . . . .	\$	390,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	780,000

TOTAL . . . . .	\$	1,170,000
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## (22) Communication site repair and replacement (92-2-408)

## Appropriation:

Forest Development Acct. . . . .	\$	66,000
Res Mgmt Cost Acct . . . . .	\$	264,000

Subtotal Appropriation. . . . .	\$	330,000
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Prior Biennia (Expenditures). . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	600,000

TOTAL . . . . .	\$	1,080,000
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## (23) Irrigation pipeline replacement (92-2-409)

## Appropriation:

Res Mgmt Cost Acct . . . . .	\$	595,000
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Prior Biennia (Expenditures). . . . .	\$	532,000
Future Biennia (Projected Costs) . . . . .	\$	600,000

TOTAL . . . . .	\$	1,727,000
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(24) Roads and bridges (92-2-801)		
Appropriation:		
ORV Acct . . . . .	\$	74,000
Forest Development Acct. . . . .	\$	90,000
Res Mgmt Cost Acct . . . . .	\$	200,000
		<hr/>
Subtotal Appropriation. . . . .	\$	364,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,236,000
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TOTAL. . . . .	\$	4,600,000
(25) Natural area preserves protection (92-3-202)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	119,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	300,000
		<hr/>
TOTAL. . . . .	\$	419,000
(26) Commercial development, local improvement district (92-3-402)		
Appropriation:		
Res Mgmt Cost Acct . . . . .	\$	910,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,820,000
		<hr/>
TOTAL. . . . .	\$	2,730,000
(27) Emergency repairs: Irrigation (92-3-405)		
Appropriation:		
Res Mgmt Cost Acct . . . . .	\$	200,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	400,000
		<hr/>
TOTAL. . . . .	\$	600,000
(28) Aquatic land enhancement grants (92-3-501)		
Appropriation:		
Aquatic Lands Acct . . . . .	\$	3,020,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,040,000
		<hr/>
TOTAL. . . . .	\$	9,060,000
(29) Land bank (92-4-403)		
Appropriation:		
Res Mgmt Cost Acct . . . . .	\$	18,000,000

Prior Biennia (Expenditures) . . . . .	\$	12,000,000
Future Biennia (Projected Costs) . . . . .	\$	36,000,000
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TOTAL . . . . .	\$	66,000,000
(30) Irrigation development (92-2-410)		
Appropriation:		
Res Mgmt Cost Acct . . . . .	\$	609,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,167,000
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TOTAL . . . . .	\$	3,776,000
(31) Construct and improve recreation sites (92-5-201)		
Appropriation:		
ORV Acct . . . . .	\$	325,000
St Bldg Constr Acct. . . . .	\$	400,000
ORA-State . . . . .	\$	450,000
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Subtotal Appropriation. . . . .	\$	1,175,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,600,000
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TOTAL . . . . .	\$	2,775,000
(32) Thurston county road agreement (92-3-802)		
Appropriation:		
Access Road Rev Acct . . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,000,000
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TOTAL . . . . .	\$	6,000,000
(33) Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport		
The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources.		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	1,082,000
Prior Biennia (Expenditures): . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,082,000

NEW SECTION. Sec. 25. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

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



(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the commission and the department of natural resources ("department") as suitable and recommended for addition to the state parks system as described in the joint study under section 4, chapter 163, Laws of 1985. All or part of the following lands shall be acquired:

- (a) Diamond Point, in Clallam county, on the Strait of Juan de Fuca;
- (b) Lord Hill, in Snohomish county, west of Monroe;
- (c) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (d) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
- (e) South Whidbey, in Island county, adjacent to South Whidbey State park;
- (f) Wallace Falls addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (g) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (h) Point Lawrence in San Juan county at the extreme east point of Orcas Island;
- (i) Hoypus Hill in Island county south of the Hoypus Point Natural Forest Area at Deception Pass State Park;
- (j) Steamboat Rock in Grant county on Osborne Bay on the Banks Lake reservoir; and
- (k) Lake Easton in Kittitas county west of Lake Easton State Park near the town of Easton.

(2) If the boundaries of the properties acquired under this section vary in any significant aspect from the property boundaries identified in the study, the commission shall report to the appropriate committees of the legislature, describing the boundary variations and the justification therefor. Neither the department nor the commission shall take any final action inconsistent with the acquisition of the full parcels for park purposes until the legislature has had an opportunity to enact legislation preventing the boundary variation.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made either for administrative costs or for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

Appropriation:

St Bldg Constr Acct. . . . .	\$	40,900,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	40,900,000

NEW SECTION. Sec. 26. FOR THE STATE CONVENTION AND TRADE

CENTER

(1) Project reserves and contingencies (89-5-001)

Reappropriation:

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	State Convention and Trade Center Acct . . .	\$	1,430,734
	Prior Biennia (Expenditures) . . . . .	\$	1,569,266
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,000,000
(2)	Conversion of retail space to meeting rooms (89-5-002)		
	Reappropriation:		
	State Convention and Trade Center Acct . . .	\$	3,500,000
	Prior Biennia (Expenditures) . . . . .	\$	1,697,364
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	5,197,364
(3)	Expansion of the 900 level (89-5-003)		
	Reappropriation:		
	State Convention and Trade Center Acct . . .	\$	3,500,000
	Prior Biennia (Expenditures) . . . . .	\$	5,316,580
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	8,816,580
(4)	Eagles Building and exterior cleanup or other capital projects (89-5-005)		
	Reappropriation:		
	State Convention and Trade Center Acct . . .	\$	287,000
	Prior Biennia (Expenditures) . . . . .	\$	13,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	300,000
(5)	Develop low-income housing (90-5-001)		
	Reappropriation:		
	State Convention and Trade Center Acct . . .	\$	650,000
	Prior Biennia (Expenditures) . . . . .	\$	150,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	800,000

"PART 4  
TRANSPORTATION"

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION

(1)	Acquisition of dredge spoils sites (83-1-001)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	200,000
	Prior Biennia (Expenditures) . . . . .	\$	3,277,162
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	3,477,162
(2)	Toutle river retention dam (87-1-001)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	5,777,882
	Prior Biennia (Expenditures). . . . .	\$	10,722,118
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	16,500,000
(3)	Essential rail assistance (90-1-001)		
	\$1,000,000 of the reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.		
	Reappropriation:		
	ESS Rail Assis Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures). . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	TOTAL . . . . .	\$	3,200,000
(4)	Essential rail banking (90-1-002)		
	The reappropriation in this subsection is subject to the following conditions and limitations:		
	(a) \$1,100,000 is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW.		
	(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.		
	(c) This reappropriation shall not be used for operating expenses of rail systems, programs, or services.		
	Reappropriation:		
	ESS Rail Bank Acct. . . . .	\$	1,100,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,200,000
	TOTAL . . . . .	\$	3,300,000
(5)	Stampede Pass rail line		

The appropriation in this subsection is provided solely to secure an option to acquire the track on the Stampede Pass rail line. This appropriation is contingent upon the provision of funds by the department of transportation to acquire the rail right of way.

Appropriation:

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	

200,000

**NEW SECTION. Sec. 28. FOR THE WASHINGTON STATE PATROL**

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,017,000
Prior Biennia (Expenditures). . . . .	\$	20,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct. . . . .	\$	192,000
Prior Biennia (Expenditures). . . . .	\$	4,500
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	196,500

- (3) Everett district headquarters--Crime laboratory (90-2-018)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	455,000
Prior Biennia (Expenditures). . . . .	\$	15,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	470,000

"PART 5  
EDUCATION"

**NEW SECTION. Sec. 29. FOR THE STATE BOARD OF EDUCATION**

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

- (1) Public school building construction (79-3-002)

Reappropriation:

Common School Constr Fund . . . . .	\$	500
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	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500
(2)	Public school building construction (83-3-001)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	110,000
	Prior Biennia (Expenditures) . . . . .	\$	490,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	600,000
(3)	Public school building construction (86-4-001)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	1,100,000
	Prior Biennia (Expenditures) . . . . .	\$	1,400,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	70,000
	Prior Biennia (Expenditures) . . . . .	\$	75,298
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	4,000,000
	Prior Biennia (Expenditures) . . . . .	\$	61,328,022
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	80,000
	Prior Biennia (Expenditures) . . . . .	\$	2,920,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,000,000
(7)	Public school building construction (90-2-001)		
	Reappropriation:		
	Common School Constr Fund . . . . .	\$	156,000,000

Prior Biennia (Expenditures) . . . . .	\$	252,527,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	408,527,000

(8) Public school building construction (91-2-001)

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

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$300,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and to facilitate and verify information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040 shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new project priority funding system that is responsive to a variety of factors including but not limited to the type of space requested; current space availability and condition; identified program needs; cost benefit considerations of new construction, modernization, and reconfiguration alternatives; and impacts of delay.

(ii) The state board shall determine the relative importance of each of the factors, establish objective criteria for each, and develop a process for reporting and verifying data submitted by school districts.

(iii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The proceeds of bonds authorized in Engrossed Substitute House Bill No. 1430 and deposited in the common school construction fund shall serve as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by Engrossed Substitute Senate Bill No. 5184.

Appropriation:

Common School Constr Fund . . . . .	\$	266,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	350,000,000
		-----
TOTAL . . . . .	\$	616,000,000

(9) Public school building construction (91-2-001)

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

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall propose alternative rules to the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber. The department of natural resources shall report to the legislature with the proposed rules and with recommendations on legislative solutions by December 1, 1991.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act and shall submit the joint plan to the legislature by December 1, 1991.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

Appropriation:

Common School Constr Fund . . . . .	\$	12,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	12,000,000

NEW SECTION. Sec. 30. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

If Engrossed Substitute Senate Bill No. 5184 is enacted by June 30, 1991, the appropriations in this section shall be transferred to the state board for community college education or its successor.

- (1) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:

St Bldg Constr Acct. . . . .	\$	5,800,000
Prior Biennia (Expenditures) . . . . .	\$	4,316,645
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	10,116,645

- (2) Renton Vocational Technical Institute: For a business technology building

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:

St Bldg Constr Acct. . . . .	\$	3,985,000
Prior Biennia (Expenditures). . . . .	\$	443,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	4,428,000

(3) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,500,000

(4) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,612,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,612,000

NEW SECTION. Sec. 31. FOR THE STATE SCHOOL FOR THE BLIND

(1) Demolish Richardson Hall (92-1-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	255,149
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	255,149

(2) Demolish museum building (92-1-002)

Appropriation:

St Bldg Constr Acct. . . . .	\$	255,149
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	255,149

(3) Elevator in administration building (92-1-003)

Appropriation:

St Bldg Constr Acct. . . . .	\$	384,461
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	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	384,461
(4)	Automatic door: Kennedy Building (92-1-007)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	36,020
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	36,020
(5)	Reroof Ahlsten Cottage (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	209,488
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	209,488
(6)	Irwin School electrical and communications upgrade (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	92,141
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	162,990
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	369,791
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	369,791
	<b>NEW SECTION. Sec. 32. FOR THE STATE SCHOOL FOR THE DEAF</b>		
(1)	Building reroof: Devine High School (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	581,119

	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	218,182
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	218,182
(3)	Building reroof: Clark Hall (92-2-003)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	448,842
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	448,842
(4)	Building reroof: McDonald Hall (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	135,737
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	135,737
(5)	Building reroof: Deer Hall (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	98,298
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	98,298
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	71,624
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	71,624
(7)	Devine High School air conditioner (92-2-007)		
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	26,834

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	26,834

(8) Heating system repairs (92-2-008)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	32,345
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	32,345

NEW SECTION. Sec. 33. FOR THE UNIVERSITY OF WASHINGTON

(1) Safety: Fire code, PCB, and life safety (86-1-001)		
Reappropriation:		
UW Bldg Acct . . . . .	\$	6,890,000
Prior Biennia (Expenditures) . . . . .	\$	2,298,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	9,188,000

(2) Safety: Asbestos removal (86-1-002)		
The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
Reappropriation:		
UW Bldg Acct . . . . .	\$	4,900,000
Prior Biennia (Expenditures) . . . . .	\$	600,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,500,000

(3) Minor works: Building renewal (86-1-004)		
Reappropriation:		
UW Bldg Acct . . . . .	\$	6,200,000
Prior Biennia (Expenditures) . . . . .	\$	5,983,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	12,183,000

(4) Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	43,508,000
UW Bldg Acct . . . . .	\$	3,500,000
Subtotal Reappropriation . . . . .	\$	47,008,000
Prior Biennia (Expenditures) . . . . .	\$	7,856,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL .....	\$	54,864,000
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## (5) Minor works: Program renewal (86-3-005)

The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

## Reappropriation:

UW Bldg Acct .....	\$	3,800,000
Prior Biennia (Expenditures) .....	\$	9,540,000
Future Biennia (Projected Costs) .....	\$	0

TOTAL .....	\$	13,340,000
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## (6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

## Reappropriation:

St Bldg Constr Acct .....	\$	360,000
UW Bldg Acct .....	\$	240,000

Subtotal Reappropriation .....	\$	600,000
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## Appropriation:

St Bldg Constr Acct .....	\$	19,872,000
Prior Biennia (Expenditures) .....	\$	468,495
Future Biennia (Projected Costs) .....	\$	0

TOTAL .....	\$	20,340,495
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## (7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

## Reappropriation:

H Ed Constr Acct .....	\$	45,000,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs) .....	\$	0

TOTAL .....	\$	45,000,000
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## (8) Emergency power generation (90-2-001)

## Reappropriation:

St Bldg Constr Acct .....	\$	10,500,000
Prior Biennia (Expenditures) .....	\$	610,000

Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	4,000,000
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Appropriation:

H Ed Reimb Constr Acct . . . . .	\$	64,786,000
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Prior Biennia (Expenditures) . . . . .	\$	3,778,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	72,564,000
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- (10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	37,200,000
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Prior Biennia (Expenditures) . . . . .	\$	1,952,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	39,152,000
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- (11) Electrical engineering and computer science building: To complete the design and continue preplanning of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the reappropriation in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	3,450,000
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Appropriation:

St Bldg Constr Acct. . . . .	\$	3,000,000
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Prior Biennia (Expenditures) . . . . .	\$	661,000
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Future Biennia (Projected Costs) . . . . .	\$	90,500,000
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TOTAL . . . . .	\$	97,611,000
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- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 830,000
UW Bldg Acct . . . . .	\$ 770,000
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Subtotal Reappropriation . . . . .	\$ 1,600,000
Prior Biennia (Expenditures). . . . .	\$ 7,539,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 10,640,000
Prior Biennia (Expenditures). . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 33,333,000
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TOTAL . . . . .	\$ 43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 3,525,000
UW Bldg Acct . . . . .	\$ 5,000,000
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Subtotal Appropriation. . . . .	\$ 8,525,000
Prior Biennia (Expenditures). . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 40,200,000
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TOTAL . . . . .	\$ 48,725,000

- (15) Communications Building Renovation (88-2-014)

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 2,015,000
UW Bldg Acct . . . . .	\$ 1,167,000
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Subtotal Reappropriation . . . . .	\$ 3,182,000
Prior Biennia (Expenditures). . . . .	\$ 3,555,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 6,737,000

- (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	235,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,488,000
TOTAL . . . . .	\$	2,723,000

- (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	3,314,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,314,000

- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

## Appropriation:

St Bldg Constr Acct. . . . .	\$	2,543,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	37,800,000
TOTAL . . . . .	\$	40,343,000

- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	2,459,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	2,700,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	1,300,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	1,300,000

- (22) Other utility projects: To remove and decontaminate six underground storage tanks (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	60,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	20,000,000
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TOTAL. . . . .	\$	20,060,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:

St Bldg Constr Acct. . . . .	\$	700,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct. . . . .	\$	3,850,000
UW Bldg Acct . . . . .	\$	5,000,000
		-----
Subtotal Appropriation. . . . .	\$	8,850,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	43,250,000
		-----
TOTAL. . . . .	\$	52,100,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

Appropriation:

UW Bldg Acct . . . . .	\$	1,759,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0



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TOTAL . . . . .	\$	1,759,000

(26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

UW Bldg Acct . . . . .	\$	7,238,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	7,238,000

(27) Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	215,000
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Appropriation:

UW Bldg Acct . . . . .	\$	1,670,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,885,000

(28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

State Bldg Constr Acct . . . . .	\$	1,850,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	91,528,000
TOTAL . . . . .	\$	93,378,000

(29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

State Bldg Constr Acct . . . . .	\$	5,675,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	5,675,000
(30) Employee day care facility--Preplanning		

The appropriation in this subsection is subject to the following conditions and limitations: The appropriation is provided solely for the purpose of analyzing the need for, and potential sites of, a day care facility located on or near the Seattle campus of the University of Washington for the use of University of Washington employees.

Appropriation:		
St Bldg Constr Acct . . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	50,000

NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY

(1) Science Hall renewal, phase 2 (86-1-006)		
Reappropriation:		
H Ed Constr Acct . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	10,804,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
WSU Bldg Acct . . . . .	\$	1,788,000
Prior Biennia (Expenditures) . . . . .	\$	3,212,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
St Bldg Constr Acct . . . . .	\$	1,950,000
Prior Biennia (Expenditures) . . . . .	\$	3,050,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,000,000

- (4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:

WSU Bldg Acct . . . . . \$ 2,700,000

Prior Biennia (Expenditures) . . . . . \$ 55,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,755,000

- (5) Land acquisition (Branch Campus) (90-5-002)

Reappropriation:

St Bldg Constr Acct . . . . . \$ 250,000

Prior Biennia (Expenditures) . . . . . \$ 1,095,333

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,345,333

- (6) Tri-Cities University Center (90-5-901)

Reappropriation:

St Bldg Constr Acct . . . . . \$ 2,850,000

Prior Biennia (Expenditures) . . . . . \$ 9,548,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 12,398,000

- (7) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

WSU Bldg Acct . . . . . \$ 6,500,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 21,300,000

TOTAL . . . . . \$ 27,800,000

- (8) Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct . . . . . \$ 525,100

Appropriation:

WSU Bldg Acct . . . . .	\$	670,000
Prior Biennia (Expenditures) . . . . .	\$	7,900
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,203,000
 (9) Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)		
Reappropriation:		
WSU Bldg Acct . . . . .	\$	638,300
Appropriation:		
WSU Bldg Acct . . . . .	\$	542,000
Prior Biennia (Expenditures) . . . . .	\$	9,700
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,190,000
 (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)		
The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
Reappropriation:		
WSU Bldg Acct . . . . .	\$	21,700
Appropriation:		
St Bldg Constr Acct . . . . .	\$	1,343,000
Prior Biennia (Expenditures) . . . . .	\$	130,300
Future Biennia (Projected Costs) . . . . .	\$	5,570,000
TOTAL . . . . .	\$	7,065,000
 (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)		
The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
Appropriation:		
WSU Bldg Acct . . . . .	\$	1,513,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,513,000
 (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

## Appropriation:

St Bldg Constr Acct. . . . .	\$	957,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	7,943,000
TOTAL . . . . .	\$	8,900,000

## (13) Nuclear radiation center study (92-1-025)

## Reappropriation:

WSU Bldg Acct . . . . .	\$	13,400
Prior Biennia (Expenditures). . . . .	\$	39,600
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	53,000

## (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

## Appropriation:

St Bldg Constr Acct. . . . .	\$	5,500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,500,000

## (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

## Appropriation:

WSU Bldg Acct . . . . .	\$	869,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	869,000

- (16) Holland Library addition: To furnish and equip the library addition (92-2-012)
- |   |               |
|---|---------------|
| Reappropriation:                          |               |
| St Bldg Constr Acct. . . . .              | \$ 29,500,000 |
| WSU Bldg Acct . . . . .                   | \$ 48,600     |
|   | -----         |
| Subtotal Reappropriation . . . . .        | \$ 29,548,600 |
| Appropriation:                            |               |
| St Bldg Constr Acct. . . . .              | \$ 2,580,000  |
| Prior Biennia (Expenditures). . . . .     | \$ 4,992,400  |
| Future Biennia (Projected Costs). . . . . | \$ 0          |
|   | -----         |
| TOTAL. . . . .                            | \$ 37,121,000 |
- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)
- The appropriation in this subsection shall not be expended until project replanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- |   |               |
|---|---------------|
| Reappropriation:                          |               |
| St Bldg Constr Acct. . . . .              | \$ 970,000    |
| WSU Bldg Acct . . . . .                   | \$ 110,000    |
|   | -----         |
| Subtotal Reappropriation . . . . .        | \$ 1,080,000  |
| Appropriation:                            |               |
| H Ed Reimb Constr Acct . . . . .          | \$ 26,835,000 |
| Prior Biennia (Expenditures). . . . .     | \$ 747,000    |
| Future Biennia (Projected Costs). . . . . | \$ 0          |
|   | -----         |
| TOTAL. . . . .                            | \$ 28,662,000 |
- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)
- |   |              |
|---|--------------|
| Appropriation:                            |              |
| St Bldg Constr Acct. . . . .              | \$ 2,171,000 |
| Prior Biennia (Expenditures). . . . .     | \$ 0         |
| Future Biennia (Projected Costs). . . . . | \$ 0         |
|   | -----        |
| TOTAL. . . . .                            | \$ 2,171,000 |
- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)
- |   |              |
|---|--------------|
| Reappropriation:                          |              |
| H Ed Constr Acct . . . . .                | \$ 500,000   |
| Appropriation:                            |              |
| WSU Bldg Acct . . . . .                   | \$ 810,000   |
| Prior Biennia (Expenditures). . . . .     | \$ 6,289,715 |
| Future Biennia (Projected Costs). . . . . | \$ 0         |

TOTAL . . . . .	\$	7,599,715
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- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	10,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs). . . . .	\$	0

TOTAL . . . . .	\$	10,000,000
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- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

WSU Bldg Acct . . . . .	\$	37,000
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Appropriation:

St Bldg Constr Acct. . . . .	\$	1,143,000
Prior Biennia (Expenditures). . . . .	\$	145,000
Future Biennia (Projected Costs). . . . .	\$	14,795,000

TOTAL . . . . .	\$	16,120,000
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- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	15,000,000
WSU Bldg Acct . . . . .	\$	967,000

Subtotal Appropriation. . . . .	\$	15,967,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs). . . . .	\$	0

TOTAL . . . . .	\$	15,967,000
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- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:	
WSU Bldg Acct . . . . .	\$ 1,761,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Appropriation:	
WSU Bldg Acct . . . . .	\$ 2,407,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 2,407,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:	
WSU Bldg Acct . . . . .	\$ 2,714,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:	
St Bldg Constr Acct. . . . .	\$ 2,850,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 2,850,000

**NEW SECTION. Sec. 35. FOR EASTERN WASHINGTON UNIVERSITY**

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct. . . . .	\$ 141,000
Appropriation:	
St Bldg Constr Acct. . . . .	\$ 150,000



Prior Biennia (Expenditures) . . . . .	\$	91,000
Future Biennia (Projected Costs) . . . . .	\$	4,850,000
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TOTAL . . . . .	\$	5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	7,000,000
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Appropriation:

St Bldg Constr Acct. . . . .	\$	7,780,000
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Prior Biennia (Expenditures) . . . . .	\$	6,255,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	21,035,000

- (3) Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	890,000
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Prior Biennia (Expenditures) . . . . .	\$	1,894,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	2,784,000

- (4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	213,000
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Appropriation:

EWU Cap Proj Acct. . . . .	\$	1,000,000
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Prior Biennia (Expenditures) . . . . .	\$	985,000
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Future Biennia (Projected Costs) . . . . .	\$	1,500,000
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TOTAL . . . . .	\$	3,698,000

- (5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

EWU Cap Proj Acct. . . . .	\$	1,100,000
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Prior Biennia (Expenditures) . . . . .	\$	3,363,000
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	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,463,000
(6)	Small repairs projects (86-1-011)		
	Reappropriation:		
	EWU Cap Proj Acct. . . . .	\$	422,000
	Prior Biennia (Expenditures) . . . . .	\$	1,107,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,529,000
(7)	Energy conservation (86-2-006)		
	Reappropriation:		
	St H Ed Constr Acct . . . . .	\$	200,000
	Prior Biennia (Expenditures) . . . . .	\$	554,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	754,000
(8)	Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)		
	The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
	Appropriation:		
	EWU Cap Proj Acct. . . . .	\$	850,000
	Prior Biennia (Expenditures) . . . . .	\$	1,283,000
	Future Biennia (Projected Costs) . . . . .	\$	2,500,000
	TOTAL . . . . .	\$	4,633,000
(9)	Fire suppression: To install fire suppression systems throughout the campus (88-1-005)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Appropriation:		
	EWU Cap Proj Acct. . . . .	\$	850,000
	Prior Biennia (Expenditures) . . . . .	\$	496,000
	Future Biennia (Projected Costs) . . . . .	\$	1,700,000
	TOTAL . . . . .	\$	3,076,000
(10)	Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)		
	Reappropriation:		
	EWU Cap Proj Acct. . . . .	\$	850,000
Appropriation:	St Bldg Constr Acct. . . . .	\$	2,000,000
	Prior Biennia (Expenditures) . . . . .	\$	230,000

Future Biennia (Projected Costs) . . . . .	\$	1,000,000
TOTAL . . . . .	\$	4,080,000
 (11) Seventh Street replacement (90-3-001)		
Reappropriation:		
EWU Cap Proj Acct. . . . .	\$	338,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	338,000
 (12) Minor capital renewal (90-3-002)		
Reappropriation:		
EWU Cap Proj Acct. . . . .	\$	1,150,000
Prior Biennia (Expenditures) . . . . .	\$	17,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,167,000
 (13) Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)		
Reappropriation:		
EWU Cap Proj Acct. . . . .	\$	56,000
Prior Biennia (Expenditures) . . . . .	\$	109,000
Future Biennia (Projected Costs) . . . . .	\$	1,200,000
TOTAL . . . . .	\$	1,365,000
 (14) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)		
The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.		
Appropriation:		
EWU Cap Proj Acct. . . . .	\$	2,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,400,000
TOTAL . . . . .	\$	6,600,000
 (15) Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)		
Appropriation:		
EWU Cap Proj Acct. . . . .	\$	1,000,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	2,000,000
TOTAL . . . . .	\$	3,000,000

- (16) Underground storage tanks, code compliance: To remove six underground storage tanks under EPA requirements (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

EWU Cap Proj Acct. . . . .	\$	60,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	60,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,000,000
TOTAL . . . . .	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas (92-5-008)

Appropriation:

EWU Cap Proj Acct. . . . .	\$	1,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,200,000

NEW SECTION. Sec. 36. FOR CENTRAL WASHINGTON UNIVERSITY

- (1) Energy savings projects (86-2-005)

Reappropriation:

CWU Cap Proj Acct . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	808,276
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	908,276

- (2) Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct . . . . .	\$	150,000
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	Prior Biennia (Expenditures) . . . . .	\$	565,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	715,000
(3)	Psychology animal research facility (90-1-060)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,700,000
	Prior Biennia (Expenditures) . . . . .	\$	447,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,147,000
(4)	Telecommunications system, phase 2 (90-2-003)		
	Reappropriation:		
	CWU Cap Proj Acct . . . . .	\$	1,182,000
	Prior Biennia (Expenditures) . . . . .	\$	261,600
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,443,600
(5)	Shaw/Smyser Hall remodel (90-2-005)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	2,406,000
	CWU Cap Proj Acct . . . . .	\$	950,000
	Subtotal Reappropriation . . . . .	\$	3,356,000
	Prior Biennia (Expenditures) . . . . .	\$	349,900
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,705,900
(6)	Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	700,000
	Appropriation:		
	CWU Cap Proj Acct . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	1,989,482
	Future Biennia (Projected Costs) . . . . .	\$	1,000,000
	TOTAL . . . . .	\$	4,189,482
(7)	Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)		

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Appropriation:

CWU Cap Proj Acct . . . . .	\$	750,000
Prior Biennia (Expenditures) . . . . .	\$	500,000
Future Biennia (Projected Costs) . . . . .	\$	850,000
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TOTAL . . . . .	\$	2,100,000

- (8) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	150,000
Appropriation:		
St Bldg Constr Acct. . . . .	\$	10,465,200
Prior Biennia (Expenditures) . . . . .	\$	450,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	11,065,200

- (9) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

Appropriation:

St Bldg Constr Acct. . . . .	\$	193,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	17,608,000
		-----
TOTAL . . . . .	\$	17,801,500

- (10) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

Appropriation:

St Bldg Constr Acct. . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,600,000
		-----
TOTAL . . . . .	\$	2,400,000

- (11) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
CWU Cap Proj Acct . . . . .	\$	2,650,000
Appropriation:		
CWU Cap Proj Acct . . . . .	\$	3,791,000
Prior Biennia (Expenditures) . . . . .	\$	3,672,809
Future Biennia (Projected Costs) . . . . .	\$	6,978,000
		-----
TOTAL . . . . .	\$	17,091,809

- (12) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

Appropriation:		
CWU Cap Proj Acct . . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,700,000
		-----
TOTAL . . . . .	\$	2,500,000

- (13) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

Appropriation:		
CWU Cap Proj Acct . . . . .	\$	1,170,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,170,000

NEW SECTION. Sec. 37. FOR THE EVERGREEN STATE COLLEGE

- (1) Failed systems (90-2-001)

Reappropriation:		
St Bldg Constr Acct. . . . .	\$	331,800
Prior Biennia (Expenditures) . . . . .	\$	212,270
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	544,070

- (2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

Reappropriation:		
St Bldg Constr Acct. . . . .	\$	53,000
Prior Biennia (Expenditures) . . . . .	\$	192,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	245,000

- (3) Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	972,100

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	972,100

- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,766,500
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	1,766,500
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- (5) Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	120,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	120,000
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- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

Appropriation:

St Bldg Constr Acct. . . . .	\$	967,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	967,000
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- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

Appropriation:

St Bldg Constr Acct. . . . .	\$	956,300
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	956,300
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- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

Appropriation:

TESC Cap Proj Acct . . . . .	\$	185,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>185,000</b>

(9) Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)

Appropriation:		
TESC Cap Proj Acct . . . . .	\$	162,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>162,000</b>

(10) Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)

Appropriation:		
St Bldg Constr Acct. . . . .	\$	430,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>430,000</b>

NEW SECTION. Sec. 38. FOR WESTERN WASHINGTON UNIVERSITY

(1) Construct and equip science facility, phase 1 (90-1-001)

Reappropriation:		
St Bldg Constr Acct. . . . .	\$	20,300,000
Prior Biennia (Expenditures) . . . . .	\$	1,630,700
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>21,930,700</b>

(2) Science facility, phase 2 (design) (90-1-005)

Reappropriation:		
St Bldg Constr Acct. . . . .	\$	780,000
Prior Biennia (Expenditures) . . . . .	\$	107,300
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>887,300</b>

(3) Institute of Wildlife Toxicology (90-2-003)

Reappropriation:		
WWU Cap Proj Acct . . . . .	\$	744,000
Prior Biennia (Expenditures) . . . . .	\$	756,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	\$	<b>1,500,000</b>

- (4) Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	21,374,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	21,374,300

- (5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	707,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	9,371,400
		-----
TOTAL . . . . .	\$	10,078,900

- (6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

WWU Cap Proj Acct . . . . .	\$	2,500,000
Appropriation:		
WWU Cap Proj Acct . . . . .	\$	7,500,000
Prior Biennia (Expenditures) . . . . .	\$	7,807,465
Future Biennia (Projected Costs) . . . . .	\$	12,000,000
		-----
TOTAL . . . . .	\$	29,807,465

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,450,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,450,000

**NEW SECTION. Sec. 39. FOR THE STATE LIBRARY**

(1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

Reappropriation:		
General Fund-State . . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	75,000

**NEW SECTION. Sec. 40. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

(1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington State Historical Society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase-in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$28,815,000 from state moneys, including all costs for land, design, construction, and exhibits.

(c) A portion of exhibitry costs shall be used to fulfill the requirement that one-half percent of construction costs be used for artwork.

Reappropriation:		
St Bldg Constr Acct. . . . .	\$	2,955,000
Appropriation:		
St Bldg Constr Acct. . . . .	\$	610,000
Prior Biennia (Expenditures) . . . . .	\$	125,000
Future Biennia (Projected Costs) . . . . .	\$	25,125,000
		-----
TOTAL . . . . .	\$	28,815,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	250,849
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	250,849

- (3) Minor works

The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

Appropriation:

St Bldg Constr Acct. . . . .	\$	222,424
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	222,424

NEW SECTION. Sec. 41. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

Appropriation:

St Bldg Constr Acct. . . . .	\$	746,211
Prior Biennia (Expenditures) . . . . .	\$	542,832
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,289,043

- (2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	424,279
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	424,279

- (3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

Appropriation:

St Bldg Constr Acct. . . . .	\$	56,727
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	56,727

NEW SECTION. Sec. 42. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

- (1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

## Reappropriation:

St Bldg Constr Acct. . . . . \$ 10,600

## Appropriation:

St Bldg Constr Acct. . . . . \$ 99,510

Prior Biennia (Expenditures) . . . . . \$ 16,400

Future Biennia (Projected Costs) . . . . . \$ 10,500

TOTAL . . . . . \$ -----

137,010

NEW SECTION. Sec. 43. FOR THE COMMUNITY COLLEGE SYSTEM

- (1) Extension facility (Puyallup) (86-3-021)

## Reappropriation:

St Bldg Constr Acct. . . . . \$ 99,211

Prior Biennia (Expenditures) . . . . . \$ 5,276,789

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ -----

- (2) Tech building and remodeling (Skagit Valley) (86-3-022)

## Reappropriation:

St Bldg Constr Acct. . . . . \$ 30,085

Prior Biennia (Expenditures) . . . . . \$ 3,369,915

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ -----

- (3) Heavy equipment building (South Seattle) (86-3-026)

## Reappropriation:

St Bldg Constr Acct. . . . . \$ 17,901

Prior Biennia (Expenditures) . . . . . \$ 4,429,099

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ -----

- (4) Minor works (RMI) (88-2-001)

## Reappropriation:

St Bldg Constr Acct. . . . . \$ 114,174

Prior Biennia (Expenditures) . . . . . \$ 3,385,826

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ -----

(5)	Repairs, exterior walls (88-3-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	218,614
	Prior Biennia (Expenditures) . . . . .	\$	4,045,386
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	4,264,000
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	500,121
	Prior Biennia (Expenditures) . . . . .	\$	3,574,879
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	4,075,000
(7)	Minor improvements (88-3-005)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	781,756
	Prior Biennia (Expenditures) . . . . .	\$	12,982,244
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	13,764,000
(8)	Repairs, electrical (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	114,986
	Prior Biennia (Expenditures) . . . . .	\$	1,277,014
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,392,000
(9)	Sites and interiors (88-3-007)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	168,312
	Prior Biennia (Expenditures) . . . . .	\$	1,757,688
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,926,000
(10)	Agri Tech building (Walla Walla) (88-3-008)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,000,539
	Prior Biennia (Expenditures) . . . . .	\$	2,114,461
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	3,115,000

(11) Plan, and construct library-student center (86-2-031)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	328,911
Prior Biennia (Expenditures) . . . . .	\$	7,662,089
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	7,991,000
(12) Vocational shop (Wenatchee) (88-3-010)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	613,953
Prior Biennia (Expenditures) . . . . .	\$	341,047
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	955,000
(13) Computer facility (Edmonds) (88-3-011)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	14,934
Prior Biennia (Expenditures) . . . . .	\$	3,820,066
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,835,000
(14) Learning resource center (Clark) (88-3-012)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	620,017
Prior Biennia (Expenditures) . . . . .	\$	5,759,983
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	6,380,000
(15) Extension center (Yakima Valley) (88-3-013)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	102,068
Prior Biennia (Expenditures) . . . . .	\$	1,588,932
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,691,000
(16) Math and science building (Spokane Falls) (88-3-015)		
Reappropriation:		
St Bldg Constr Acct. . . . .	\$	779,618
Prior Biennia (Expenditures) . . . . .	\$	4,970,382
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,750,000

- (17) Learning resource center (Spokane) (88-3-016)
- |  |              |
|--|--------------|
| Reappropriation:                           |              |
| St Bldg Constr Acct. . . . .               | \$ 588,025   |
| Prior Biennia (Expenditures) . . . . .     | \$ 4,946,975 |
| Future Biennia (Projected Costs) . . . . . | \$ 0         |
| -----                                      |              |
| TOTAL . . . . .                            | \$ 5,535,000 |
- (18) Preplanning for 1989-93 major projects (88-4-014)
- |  |            |
|--|------------|
| Reappropriation:                           |            |
| St Bldg Constr Acct. . . . .               | \$ 48,852  |
| Prior Biennia (Expenditures) . . . . .     | \$ 448,148 |
| Future Biennia (Projected Costs) . . . . . | \$ 0       |
| -----                                      |            |
| TOTAL . . . . .                            | \$ 497,000 |
- (19) Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)
- |  |              |
|--|--------------|
| Reappropriation                            |              |
| St Bldg Constr Acct. . . . .               | \$ 66,117    |
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 2,123,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 41,883    |
| Future Biennia (Projected Costs) . . . . . | \$ 0         |
| -----                                      |              |
| TOTAL . . . . .                            | \$ 2,231,000 |
- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- |  |              |
|--|--------------|
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 5,998,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 256,000   |
| Future Biennia (Projected Costs) . . . . . | \$ 0         |
| -----                                      |              |
| TOTAL . . . . .                            | \$ 6,254,000 |
- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)
- |  |              |
|--|--------------|
| Reappropriation:                           |              |
| St Bldg Constr Acct. . . . .               | \$ 20,747    |
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 1,307,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 57,253    |
| Future Biennia (Projected Costs) . . . . . | \$ 0         |



	TOTAL . . . . .	\$	1,385,000
(22)	Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	77,194
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,972,000
	Prior Biennia (Expenditures) . . . . .	\$	35,806
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,085,000
(23)	Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	49,234
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,025,000
	Prior Biennia (Expenditures) . . . . .	\$	45,766
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,120,000
(24)	Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	76,722
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	1,746,000
	Prior Biennia (Expenditures) . . . . .	\$	13,278
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,836,000
(25)	Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	138,067
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	2,902,000
	Prior Biennia (Expenditures) . . . . .	\$	1,933
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,042,000

- (26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 33,714

Appropriation:

St Bldg Constr Acct. . . . . \$ 6,311,000

Prior Biennia (Expenditures). . . . . \$ 211,286

Future Biennia (Projected Costs). . . . . \$ 0

TOTAL . . . . . \$ 6,556,000

- (27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . . \$ 148,348

Appropriation:

St Bldg Constr Acct. . . . . \$ 11,080,000

Prior Biennia (Expenditures). . . . . \$ 251,652

Future Biennia (Projected Costs). . . . . \$ 0

TOTAL . . . . . \$ 11,480,000

- (28) Washington State University education center (Clark) (89-5-019)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 12,793

Prior Biennia (Expenditures). . . . . \$ 1,787,207

Future Biennia (Projected Costs). . . . . \$ 0

TOTAL . . . . . \$ 1,800,000

- (29) Multipurpose child care center (Everett) (89-5-020)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 20,055

Prior Biennia (Expenditures). . . . . \$ 465,533

Future Biennia (Projected Costs). . . . . \$ 0

TOTAL . . . . . \$ 485,588

- (30) Fire and security repairs (90-1-004)

Reappropriation:

St Bldg Constr Acct. . . . . \$ 499,132

	Prior Biennia (Expenditures) . . . . .	\$	448,478
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	947,610
(31)	Asbestos repairs (90-1-008)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	59,824
	Prior Biennia (Expenditures) . . . . .	\$	1,157,376
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,217,200
(32)	Roof and structural repairs (90-2-002)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,336,671
	Prior Biennia (Expenditures) . . . . .	\$	2,321,329
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,658,000
(33)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,412,452
	Prior Biennia (Expenditures) . . . . .	\$	1,560,378
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,972,830
(34)	Electrical repairs (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	126,639
	Prior Biennia (Expenditures) . . . . .	\$	244,601
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	371,240
(35)	Small repairs and improvements (90-3-001)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,338,574
	Prior Biennia (Expenditures) . . . . .	\$	2,861,426
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,200,000
(36)	Learning assistance resource center (Centralia) (90-3-006)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	66,076

Prior Biennia (Expenditures) . . . . .	\$	4,147,924
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	4,214,000

## (37) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	740,342
Prior Biennia (Expenditures) . . . . .	\$	3,107,838
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,848,180

## (38) Technology laboratories (Highline) (90-3-023)

Reappropriation:

St Bldg Constr Acct. . . . .	\$	554,817
Prior Biennia (Expenditures) . . . . .	\$	2,213,183
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,768,000

## (39) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	4,454,434
Prior Biennia (Expenditures) . . . . .	\$	8,838,506
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	13,292,940

## (40) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. . . . .	\$	34,750
Appropriation:		
St Bldg Constr Acct. . . . .	\$	249,000
Prior Biennia (Expenditures) . . . . .	\$	28,250
Future Biennia (Projected Costs) . . . . .	\$	6,378,000

TOTAL..... \$ 6,690,000

(41) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct. ....	\$	202,000
Prior Biennia (Expenditures).....	\$	45,000
Future Biennia (Projected Costs).....	\$	6,940,000
TOTAL.....	\$	7,187,000

(42) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. ....	\$	33,157
Appropriation:		
St Bldg Constr Acct. ....	\$	280,000
Prior Biennia (Expenditures).....	\$	34,843
Future Biennia (Projected Costs).....	\$	5,213,000
TOTAL.....	\$	5,561,000

(43) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct. ....	\$	9,076
Appropriation:		
St Bldg Constr Acct. ....	\$	298,000
Prior Biennia (Expenditures).....	\$	54,924
Future Biennia (Projected Costs).....	\$	6,536,000
TOTAL.....	\$	6,898,000

(44) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:

St Bldg Constr Acct. ....	\$	22,407
Appropriation:		
St Bldg Constr Acct. ....	\$	157,000
Prior Biennia (Expenditures).....	\$	28,593

Future Biennia (Projected Costs) . . . . .	\$	2,785,000
TOTAL . . . . .	\$	2,993,000

## (45) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	33,280
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## Appropriation:

St Bldg Constr Acct. . . . .	\$	305,000
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Prior Biennia (Expenditures) . . . . .	\$	39,720
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Future Biennia (Projected Costs) . . . . .	\$	5,725,000
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TOTAL . . . . .	\$	6,103,000
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## (46) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

## Reappropriation:

St Bldg Constr Acct. . . . .	\$	5,117
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## Appropriation:

St Bldg Constr Acct. . . . .	\$	258,000
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Prior Biennia (Expenditures) . . . . .	\$	53,883
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Future Biennia (Projected Costs) . . . . .	\$	4,276,000
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TOTAL . . . . .	\$	4,593,000
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## (47) Design: Library addition (Skagit Valley) (90-5-017)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	116,000
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Prior Biennia (Expenditures) . . . . .	\$	44,000
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Future Biennia (Projected Costs) . . . . .	\$	1,896,000
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TOTAL . . . . .	\$	2,056,000
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## (48) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

## Appropriation:

St Bldg Constr Acct. . . . .	\$	105,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	105,000
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- (49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)
- |  |            |
|--|------------|
| Appropriation:                             |            |
| St Bldg Constr Acct. . . . .               | \$ 498,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 0       |
| Future Biennia (Projected Costs) . . . . . | \$ 0       |
| TOTAL . . . . .                            | \$ 498,000 |
- (50) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)
- |  |           |
|--|-----------|
| Appropriation:                             |           |
| St Bldg Constr Acct. . . . .               | \$ 78,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 0      |
| Future Biennia (Projected Costs) . . . . . | \$ 0      |
| TOTAL . . . . .                            | \$ 78,000 |
- (51) Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)
- |  |            |
|--|------------|
| Appropriation:                             |            |
| St Bldg Constr Acct. . . . .               | \$ 700,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 0       |
| Future Biennia (Projected Costs) . . . . . | \$ 0       |
| TOTAL . . . . .                            | \$ 700,000 |
- (52) Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)
- |  |            |
|--|------------|
| Appropriation:                             |            |
| St Bldg Constr Acct. . . . .               | \$ 280,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 0       |
| Future Biennia (Projected Costs) . . . . . | \$ 0       |
| TOTAL . . . . .                            | \$ 280,000 |
- (53) Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)
- |  |              |
|--|--------------|
| Appropriation:                             |              |
| St Bldg Constr Acct. . . . .               | \$ 1,893,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ 0         |
| Future Biennia (Projected Costs) . . . . . | \$ 0         |
| TOTAL . . . . .                            | \$ 1,893,000 |
- (54) Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct. . . . .	\$	650,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	650,000
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- (55) Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,172,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,172,000
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- (56) Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)

Appropriation:

St Bldg Constr Acct. . . . .	\$	7,457,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	7,457,000
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- (57) Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)

Appropriation:

St Bldg Constr Acct. . . . .	\$	817,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	817,000
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- (58) Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)

Appropriation:

St Bldg Constr Acct. . . . .	\$	3,074,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	3,074,000
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- (59) Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,307,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,307,000

- (60) Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)

Appropriation:

St Bldg Constr Acct. . . . .	\$	2,508,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	2,508,000
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- (61) Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)

Appropriation:

St Bldg Constr Acct. . . . .	\$	692,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	692,000
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- (62) Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,440,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	1,440,000
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- (63) Site repairs: To provide site improvements on eleven campuses (92-2-111)

Appropriation:

St Bldg Constr Acct. . . . .	\$	1,329,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	1,329,000
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- (64) Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)

Appropriation:

St Bldg Constr Acct. . . . .	\$	6,211,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	6,211,000
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- (65) Minor improvements: To complete fifty-six minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct. . . . .	\$	16,792,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	16,792,000

- (66) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Appropriation:

St Bldg Constr Acct. . . . .	\$	57,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	9,653,000
		-----
TOTAL . . . . .	\$	9,710,000

- (67) Preplan: Vocational building (Skagit Valley) (92-5-502)

Appropriation:

St Bldg Constr Acct. . . . .	\$	25,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,116,000
		-----
TOTAL . . . . .	\$	2,141,000

- (68) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Appropriation:

St Bldg Constr Acct. . . . .	\$	45,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,942,000
		-----
TOTAL . . . . .	\$	6,987,000

- (69) Preplan: Office and instructional building (Edmonds) (92-5-504)

Appropriation:

St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	8,485,000
		-----
TOTAL . . . . .	\$	8,543,000

- (70) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

Appropriation:

St Bldg Constr Acct. . . . .	\$	42,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	5,849,000
		-----
TOTAL . . . . .	\$	5,891,000
 (71) Learning resource center and technical facility (Green river) (92-5-506)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	10,462,000
		-----
TOTAL . . . . .	\$	10,520,000
 (72) Preplan: New Campus One (92-5-701)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	300,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	14,800,000
		-----
TOTAL . . . . .	\$	15,100,000
 (73) Pool repairs (Pierce)		
Appropriation:		
St Bldg Constr Acct. . . . .	\$	600,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	600,000

NEW SECTION. Sec. 44. FOR THE HIGHER EDUCATION COORDINATING BOARD

Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education.

Appropriation:		
St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	300,000
		-----
TOTAL . . . . .	\$	420,000

NEW SECTION. Sec. 45. The estimated general fund-state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

NEW SECTION. Sec. 46. The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(1) Department of Social and Health Services to:

(a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and

(b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.

(2) Department of Corrections to:

(a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;

(b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;

(c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$70,000 during the 1991-93 biennium;

(i) Purchase a central storage facility for Spokane Community College for \$75,000; and

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

**NEW SECTION. Sec. 47. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.**

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

**NEW SECTION. Sec. 48.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 49.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

**NEW SECTION. Sec. 50.** To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 51.** As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

**NEW SECTION. Sec. 52.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

**NEW SECTION. Sec. 53.** Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement under RCW 43.88.150 shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

**NEW SECTION. Sec. 54.** Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 55.** Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 56.** The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital

project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days prior to the date the transfer is effected.

**NEW SECTION. Sec. 57.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

**NEW SECTION. Sec. 58.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications

expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

"PART 7  
SEVERABILITY AND EFFECTIVE DATE"

NEW SECTION. Sec. 59. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 60. 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. 61. 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

Senator Talmadge moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 7, beginning on line 20 of the committee amendment, strike all material down to and including line 26, and insert the following:

"(b) No moneys appropriated in this subsection(3) or in any subsection specifically referencing this subsection (3) may be expended unless the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 7, beginning on line 20, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1427.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted on a rising vote.

MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 32, line 31, strike all of subsection (26)

Renumber the remaining subsections and correct internal references accordingly

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, I am trying to understand this Tacoma Educational Enrichment Center. What is this going to be? The amendment that Senator Wojahn is offering is strike Sub 26 which relates to the Tacoma Educational Enrichment Center. Does this have something to do with classroom space so that--we are very crowded and the students are crying for more space? What is this?"

Senator von Reichbauer: "Senator Wojahn would have to speak to her intentions on this."

Senator Rasmussen: "I am not talking about Senator Wojahn's intentions."

Senator von Reichbauer: "She has two amendments before us. Are you addressing 4915?"

Senator Rasmussen: "4915, yes. That is the one we are working on."

Senator von Reichbauer: "She has two amendments before us--4914 and 4915--and on 4915, she wants to strike all the Subsection 26, which would, of course, eliminate all of this project. The project is adjoining a school, the Middle School called Jerry Meeker Middle School, that will be beginning school this fall. I will point out and remind you--I am sure you are well aware of it--that the Metropolitan Park District had a bond issue of one point six million dollars and they received enough interest off of that money from the taxpayers of the city of Tacoma that they can match it through the Metropolitan Park District of two point two million dollars. There will be meeting rooms, facilities and other programs to reach out to the young people, middle aged people and senior citizens that live in that area of the city of Tacoma."

Senator Rasmussen: "Would this be in your district?"

Senator von Reichbauer: "That is a good question, because at lunch today I talked with Representative Art Wang, who, I believe, comes from Senator Wojahn's district, and he said that sounds like a good idea, because it probably is going to end up in my district after redistricting."

Senator Rasmussen: "Thank you, Senator von Reichbauer."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wojahn on page 32, line 31, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1427.

The motion by Senator Wojahn failed and the amendment to the committee amendment was not adopted on a rising vote.

## MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 32, line 41, after "district" add ".", the city of Tacoma,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wojahn on page 32, line 41, to the Committee



on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1427.

The motion by Senator Wojahn failed and the amendment to the committee amendment was not adopted.

### MOTION

On motion of Senator Gaspard, the following amendment by Senators Gaspard and McDonald to the Committee on Ways and Means amendment was adopted:

On page 34 of the amendment, line 7, after "to" strike "Pierce County" and insert "the city of Bonney Lake"

### MOTION

Senator Owen moved that the following amendments by Senators Owen, Metcalf, Sutherland, Patterson, Oke, Murray, McMullen, Snyder, Barr, Thorsness and Bauer to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 101 of the amendment, line 25, strike "45,000" and insert "345,000" and delete all of line 26

On page 101 of the amendment, line 35, strike "37,500" and insert "499,500" and strike all of line 36

On page 102 of the amendment, line 3, strike "30,000" and insert "200,000" and strike all of line 5

On page 102 of the amendment, line 21, strike "1,000,000" and insert "2,000,000" and strike all of line 231

On page 103 of the amendment, line 3, strike "37,500" and insert "107,500" and strike all of line 4

On page 103 of the amendment, line 13, strike "45,600" and insert "304,000" and strike all of line 14

On page 104 of the amendment, line 3, strike "26,250" and insert "171,250" and strike all of line 4

On page 105 of the amendment, line 22, strike "Wildlife Account State" and insert "St Bldg Const Acct"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Owen, Metcalf, Sutherland, Patterson, Oke, Murray, McMullen, Snyder, Barr, Thorsness and Bauer on page 101, lines 25 and 35; page 102, lines 3 and 21; page 103, lines 3 and 13; page 104, line 3; and page 105, line 22; to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1427.

The motion by Senator Owen carried and the amendments to the committee amendment were adopted on a rising vote.

## MOTION

Senator Vognild moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 118, line 27, strike all of subsection (5)

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 118, line 27, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1427.

The motion by Senator Vognild 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 Substitute House Bill No. 1427.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1427 was adopted.

## MOTIONS

On motion of Senator Bluechel, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency."

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute House Bill No. 1427, 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 Murray, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1427, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Matson, McDonald, McMullen, Metcalf, Murray, Newhouse, Oke, Owen, Patterson, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 35.

Voting nay: Senators Madsen, McCaslin, Moore, Nelson, Pelz, Rasmussen, Saling, A. Smith, Vognild, Williams, Wojahn - 11.

Excused: Senators M. Kreidler, Niemi, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, 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.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5082,  
 SUBSTITUTE SENATE BILL NO. 5108,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120,  
 SUBSTITUTE SENATE BILL NO. 5332,  
 SECOND SUBSTITUTE SENATE BILL NO. 5358,  
 SENATE BILL NO. 5442,  
 SECOND SUBSTITUTE SENATE BILL NO. 5591,  
 ENGROSSED SENATE BILL NO. 5745,  
 ENGROSSED SENATE BILL NO. 5801,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5837,  
 SUBSTITUTE SENATE BILL NO. 5873.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, by House Committee on Capital Facilities and Financing (originally sponsored by Representative H. Sommers) (by request of Governor Gardner)

Issuing general obligation and revenue bonds.

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:

**NEW SECTION. Sec. 1.** The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred fifty-nine million five hundred thousand dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1991-1993 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**NEW SECTION. Sec. 2.** Bonds issued under section 1 of this act are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of nine hundred fifty-nine million five hundred thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Eight hundred thirty-five thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(2) Seven hundred twenty-eight million four hundred ninety-three thousand dollars to the state building construction account created by RCW 43.83.020;

(3) Five million dollars to the energy efficiency construction account created by section 11, chapter ..., Laws of 1991 (Engrossed Substitute Senate Bill No. 5245);

(4) One million one hundred thousand dollars to the energy efficiency services account created by section 12, chapter ..., Laws of 1991 (Engrossed Substitute Senate Bill No. 5245);

(5) One hundred million dollars to the common school construction fund;

(6) Ninety-one million six hundred twenty-one thousand dollars to the higher education reimbursable construction account hereby created in the state treasury; and

(7) Four million six hundred eighty-four thousand one hundred sixty-six dollars to the state wildlife fund.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

**NEW SECTION. Sec. 3.** Both principal of and interest on the bonds issued for the purposes specified in section 2 (1) through (7) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings: PROVIDED, That:

(1) For principal and interest payments on bonds issued for the purposes of section 2(5) of this act, the state treasurer shall first deposit in the state general obligation bond retirement fund, or a special account in such fund, from property taxes levied by the state for the support of common schools under RCW 84.52.065, such amounts and at such times as are required by the bond proceedings; and

(2) For principal and interest payments on bonds issued for the purposes of section 2(6) of this act, the state treasurer shall first deposit in the state general obligation bond retirement fund, or a special account in such fund, from higher education operating fees, such amounts and at such times as are required by the bond proceedings.

At the time of sale of the bonds issued under this chapter, and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts from property taxes levied for the support of the common schools and higher education operating fees, that portion of principal and interest on the bonds issued for the purposes of section 2 (5) and (6) of this act which will, by virtue of payments under subsections (1) and (2) of this section, be paid from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this section, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

**NEW SECTION. Sec. 4.** (1) For bonds issued for the purposes of section 2 (3) and (4) of this act, on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in section 3 of this act from the energy efficiency construction account created in section 11, chapter ..., Laws of 1991 (Engrossed Substitute Senate Bill No. 5245) to the general fund of the state treasury.

(2) For bonds issued for the purposes of section 2(7) of this act, on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in section 3 of this act from the state wildlife fund to the general fund of the state treasury.

**NEW SECTION. Sec. 5.** In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of section 2 (3) and (4) of this act, the director of the energy office shall cause to be accumulated in the energy efficiency construction account, from project revenues, loan repayments, and other moneys legally available for such purposes, amounts adequate to make payments of principal of and interest coming due on general obligation bonds issued for the purposes of section 2 (3) and (4) of this act. As needed during each fiscal year, the director shall cause amounts so accumulated to be deposited into the general fund of the state treasury. If the director is unable to accumulate and transfer the full amount necessary for such payments of principal of

and interest coming due on the bonds, any shortfall shall be credited to an account receivable from the energy office to the state treasury.

**NEW SECTION. Sec. 6.** Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 7.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 and 4 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 8.** The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

**Sec. 9.** RCW 28B.14D.900 and 1985 c 390 s 9 are each amended to read as follows:

No provision of this chapter or chapter 43.99 RCW, or of RCW 28B.20.750 through 28B.20.758 shall be deemed to repeal, override, or limit any provision of RCW 28B.10.300 through 28B.10.335, 28B.15.210, 28B.15.310, ((28B.15.401,)) 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, or 28B.35.700 through 28B.35.790, ((or 28B.40.700 through 28B.40.790,)) nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its building fees and/or other revenues mentioned within such statutes. The obligation of ((the)) such boards to make the transfers provided for in RCW 28B.14D.070 ((and in RCW)), 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2), 28B.14C.110(2), 28B.14C.120(2), ((and)) 28B.14C.130(2), 28B.14G.060, 28B.20.757, 43.99G.070, and 43.99H.060 (1) and (4), and in any similar law heretofore or hereafter enacted shall be subject and subordinate to the lien and charge of any revenue bonds heretofore or hereafter issued((:)) by such boards on the building fees and/or other revenues pledged to secure such revenue bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

**Sec. 10.** RCW 43.01.090 and 1979 c 151 s 81 are each amended to read as follows:

The director of general administration may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a ((proportion)) proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, operating, and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by periodic billings ((either quarterly or semiannually)) as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of financial management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the

services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. (~~Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.~~)

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of financial management has authorized another method for payment of costs.

**NEW SECTION. Sec. 11.** The director of general administration, in cooperation with the director of the office of financial management, shall develop a plan for assessing rental charges under RCW 43.01.090 to occupants of all state office and support facilities. The plan shall set forth a timetable for imposing the charges, giving priority to imposing charges relating to buildings on the capitol campus. The plan shall consider the relationship of the proposed charges to the costs of acquiring, constructing, operating, maintaining, repairing, furnishing, and supplying the buildings. The plan shall include any recommendations for budget and accounting changes necessary to implement the rental charges. The plan shall be submitted to the capital facilities and financing committee of the house of representatives and the senate ways and means committee by December 1, 1991.

**Sec. 12.** RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish ~~((an))~~ equitable and consistent ~~((employee))~~ parking rental fees for state-owned or leased property, ~~((effective July 1, 1988))~~ to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities ~~((at the state capitol)).~~

**Sec. 13.** RCW 84.52.065 and 1979 ex.s. c 218 s 1 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**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 8 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

### MOTION

On motion of Senator Metcalf, the following amendments by Senators Metcalf, McMullen, Patterson, Sutherland, Barr and Oke to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 3, line 5 of the committee amendment, after "fund;" insert "and"

On page 3, line 8 of the committee amendment, after "treasury" strike all material down through "fund" on line 10

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. 1430.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1430 was adopted.

### MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 28B.14D.900, 43.01.090, 46.08.172, and 84.52.065; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1430, 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. 1430, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1430, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Matson, McDonald, McMullen, Metcalf, Murray, Newhouse, Oke, Owen, Patterson, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 34.



Voting nay: Senators Madsen, McCaslin, Moore, Nelson, Pelz, Rasmussen, Saling, A. Smith, Talmadge, Vognil, Williams, Wojahn - 12.

Excused: Senators M. Kreidler, Niemi, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, 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.

### MESSAGES FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,

SUBSTITUTE HOUSE BILL NO. 1326,

SUBSTITUTE HOUSE BILL NO. 1712,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,

SUBSTITUTE HOUSE BILL NO. 1993,

HOUSE BILL NO. 2037,

SUBSTITUTE HOUSE BILL NO. 2056,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151.

ALAN THOMPSON, Chief Clerk

April 24, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5266 and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Snyder moved to now reconsider the vote by which Substitute House Bill No. 1313, without the Senate amendment, passed the Senate.

The President declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Substitute House Bill No. 1313, without the Senate amendment, passed the Senate.

The motion for reconsideration of Substitute House Bill No. 1313, without the Senate amendment, carried.

### 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 all the remaining Gubernatorial Appointments.

On motion of Senator Newhouse, the rules were suspended, all the remaining Gubernatorial Appointments were advanced to second reading and placed on the second reading calendar.

#### CHANGE IN CONFEREES

On motion of Senator Newhouse, Senator McDonald will replace Senator Thorsness as a conferee on Engrossed Substitute House Bill No. 1938.

#### MOTION

At 6:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Thursday, April 25, 1991.

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

**ONE HUNDRED-SECOND DAY**-----  
**MORNING SESSION**  
-----

Senate Chamber, Olympia, Thursday, April 25, 1991

The Senate was called to order at 9:30 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Anderson, Hansen, Matson, McDonald, Nelson, Owen, Patterson, Rasmussen, Sellar, Snyder, Vognild and Wojahn. On motion of Senator Linda Smith, Senators Amondson, Anderson, Matson, Nelson, Patterson and Sellar were excused. On motion of Senator Murray, Senators Vognild and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shannon Wilhite and James Sorensen, presented the Colors. Reverend Don Nicholson, pastor of the Victory 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**

April 24, 1991

**MR. PRESIDENT:**

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1040,  
SUBSTITUTE HOUSE BILL NO. 1050,  
HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1071,  
HOUSE BILL NO. 1072,  
SUBSTITUTE HOUSE BILL NO. 1088,  
HOUSE BILL NO. 1091,  
HOUSE BILL NO. 1118,  
HOUSE BILL NO. 1125,  
HOUSE BILL NO. 1143,  
HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1177,

SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1208,  
HOUSE BILL NO. 1224,  
ENGROSSED HOUSE BILL NO. 1228,  
HOUSE BILL NO. 1264,  
SUBSTITUTE HOUSE BILL NO. 1265,  
SUBSTITUTE HOUSE BILL NO. 1274,  
HOUSE BILL NO. 1312,  
SUBSTITUTE HOUSE BILL NO. 1358,  
HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1377,  
HOUSE BILL NO. 1431,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1480,  
HOUSE BILL NO. 1489,  
HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1571,  
SUBSTITUTE HOUSE BILL NO. 1635,  
SUBSTITUTE HOUSE BILL NO. 1721,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1739,  
HOUSE BILL NO. 1748,  
SUBSTITUTE HOUSE BILL NO. 1782,  
SUBSTITUTE HOUSE BILL NO. 1821,  
SUBSTITUTE HOUSE BILL NO. 1861,  
SUBSTITUTE HOUSE BILL NO. 1864,  
HOUSE BILL NO. 1878,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,  
SUBSTITUTE HOUSE BILL NO. 1886,  
HOUSE BILL NO. 1910,  
SUBSTITUTE HOUSE BILL NO. 1911,  
SUBSTITUTE HOUSE BILL NO. 1931,  
HOUSE BILL NO. 1946,  
HOUSE BILL NO. 1955,  
SUBSTITUTE HOUSE BILL NO. 1958,  
SUBSTITUTE HOUSE BILL NO. 1971,  
HOUSE BILL NO. 1986,  
HOUSE BILL NO. 1995,  
SUBSTITUTE HOUSE BILL NO. 2005,  
HOUSE BILL NO. 2057,  
HOUSE BILL NO. 2059,  
SUBSTITUTE HOUSE BILL NO. 2069,  
HOUSE BILL NO. 2082,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2106,  
HOUSE BILL NO. 2142,  
HOUSE BILL NO. 2147,

HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4008,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4015,  
HOUSE JOINT MEMORIAL NO. 4016, and the same are herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1991

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5022,  
SENATE BILL NO. 5043,  
SENATE BILL NO. 5075,  
SECOND SUBSTITUTE SENATE BILL NO. 5083,  
SENATE BILL NO. 5104,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,  
SECOND SUBSTITUTE SENATE BILL NO. 5143,  
SENATE BILL NO. 5148,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5204,  
SENATE BILL NO. 5231,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5260,  
SUBSTITUTE SENATE BILL NO. 5261,  
SENATE BILL NO. 5264,  
SUBSTITUTE SENATE BILL NO. 5295,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,  
SENATE BILL NO. 5449,  
SUBSTITUTE SENATE BILL NO. 5456,  
SUBSTITUTE SENATE BILL NO. 5466,  
SENATE BILL NO. 5473,  
SUBSTITUTE SENATE BILL NO. 5478,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,  
SUBSTITUTE SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5501,  
SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5518,  
SENATE BILL NO. 5528,  
SUBSTITUTE SENATE BILL NO. 5536,  
SECOND SUBSTITUTE SENATE BILL NO. 5568,  
SUBSTITUTE SENATE BILL NO. 5611,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5624,  
SUBSTITUTE SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5632,  
SECOND SUBSTITUTE SENATE BILL NO. 5667,  
SUBSTITUTE SENATE BILL NO. 5669,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,

SENATE BILL NO. 5678,  
 SENATE BILL NO. 5684,  
 SUBSTITUTE SENATE BILL NO. 5713,  
 SUBSTITUTE SENATE BILL NO. 5720,  
 SENATE BILL NO. 5766,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
 SUBSTITUTE SENATE BILL NO. 5776,  
 SENATE BILL NO. 5834,  
 SECOND SUBSTITUTE SENATE BILL NO. 5882,  
 SENATE JOINT MEMORIAL NO. 8006, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5825, and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9042, Robert M. Tull, as a member of the Gambling Commission, was confirmed.

### APPOINTMENT OF ROBERT M. TULL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 5; Excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 36.

Absent: Senators Hansen, McDonald, Owen, Rasmussen, Snyder - 5.

Excused: Senators Amondson, Anderson, Matson, Nelson, Patterson, Sellar, Vognild, Wojahn - 8.

### MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9050, Juli Vraves Anderson, as a member of the Gambling Commission, was confirmed.

Senator Moore spoke to the confirmation of Juli Vraves Anderson as a member of the Gambling Commission.

## MOTIONS

On motion of Senator Murray, Senators Owen, Rasmussen, and Snyder were excused.

On motion of Senator McCaslin, Senator McDonald was excused.

## APPOINTMENT OF JULI VRAVES ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 37.

Excused: Senators Amondson, Anderson, Matson, McDonald, Nelson, Owen, Patterson, Rasmussen, Sellar, Snyder, Vognild, Wojahn - 12.

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

## MESSAGE FROM THE HOUSE

April 24, 1991

## MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5475 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Ogden and Wood.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Senate Bill No. 5475.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5475 and the House amendments thereto: Senators Patterson, Bauer and Saling.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SENATE BILL NO. 5824 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Spanel and Van Luven.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 5824.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5824 and the House amendments thereto: Senators Patterson, Jesernig and Saling.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608 beyond the scope and object of the bill and refuses to concur in Senate amendments(s) and asks for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Hargrove and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1608.



## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1608 and the Senate amendments thereto: Senators Craswell, Talmadge and Roach.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5629 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Kremen and Nealey.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5629.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5629 and the House amendments thereto: Senators Barr, Hansen and Bailey.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5756 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1.State and national policy directs that the management of low-level radioactive waste be accomplished by a system of interstate compacts and

the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded.

When these events occur, to protect Washington and other Northwest compact states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there will be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site. This chapter is adopted pursuant to section 8, chapter 21, Laws of 1990.

**NEW SECTION. Sec. 2.** Definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Effective rate" means the highest permissible rate, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to section 5 of this act.

(3) "Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

(4) "Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume between all generators and the generator responsible for such extraordinary volume as described in section 8 of this act.

(5) "Generator" means a person, partnership, association, corporation, or any other entity whatsoever that, as a part of its activities, produces low-level radioactive waste.

(6) "Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in section 5 of this act.

(7) "Initial rate proceeding" means the proceeding described in section 5 of this act.

(8) "Maximum disposal rate" means the rate described in section 6 of this act.

(9) "Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

(10) "Site operator" means a low-level radioactive waste site operating company as defined in RCW 81.04.010.

(11) "Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

**Sec. 3.** RCW 81.04.010 and 1981 c 13 s 2 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed

by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

**NEW SECTION. Sec. 4.(1)** The commission shall have jurisdiction over the sites and site operators as set forth in this chapter.

(2)(a) The commission shall establish rates to be charged by site operators. In establishing the rates, the commission shall assure that they are fair, just, reasonable, and sufficient considering the value of the site operator's leasehold and license interests, the unique nature of its business operations, the site operator's liability associated with the site, its investment incurred over the term of its operations, and the rate of return equivalent to that earned by comparable enterprises. The rates shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

(b) In exercising the power in this subsection the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing fair, just, reasonable, and sufficient rates. The relation of site operator expenses to site operator revenues may be deemed the proper test of a reasonable return.

(3) In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders, and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for review to the superior court filed therewith, appeals filed with the appellate courts of this state, considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations, and with the effect specified in this title for public service companies generally.

(4) At any time after January 1, 1992, the commission may: (a) Prescribe a system of accounts for site operators using as a starting point the existing system used by site operators; (b) audit the books of site operators; (c) obtain books and records from site operators; (d) assess penalties; and (e) require semiannual reports regarding the results of operations for the site.

(5) The commission may adopt rules necessary to carry out its functions under this chapter.

**NEW SECTION. Sec. 5.(1)** On or before March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The filing shall include, at a minimum, testimony, exhibits, workpapers, summaries, annual reports, cost studies, proposed tariffs, and other documents as required by the commission in rate cases generally under its jurisdiction.

(2) After receipt of a request, the commission shall set the request for a hearing and require the site operator to provide for notice to all known customers that ship or deliver waste to the site. The proceedings before the commission shall be conducted in accordance with chapter 34.05 RCW and rules of procedure established by the commission.

(3) No later than January 1, 1993, the commission shall establish the initial maximum disposal rates that may be charged by site operators.

(4) In the initial rate proceeding the commission also shall determine the factors necessary to calculate the inflation, volume, and extraordinary volume adjustments.

## ONE HUNDRED-SECOND DAY, APRIL 25, 1991

(5) The commission also shall determine the administrative fee, which shall be a percentage or an amount that represents increased administrative costs associated with acceptance of small volumes of waste by a site operator. The administrative fee may be revised by the commission from time to time upon its own motion or upon the petition of an interested person.

(6) The rates specified in this section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

**NEW SECTION. Sec. 6.**(1) The maximum disposal rates that a site operator may charge generators shall be determined in accordance with this section. The rates shall include all charges for disposal services at the site.

(2) Initially, the maximum disposal rates shall be the initial rates established pursuant to section 5 of this act.

(3) Subsequently, the maximum disposal rates shall be adjusted semiannually in January and July of each year to incorporate inflation and volume adjustments. Such adjustments shall take effect thirty days after filing with the commission unless the commission authorizes that the adjustments take effect earlier, or the commission contests the calculation of the adjustments, in which case the commission may suspend the filing. A site operator shall provide notice to its customers concurrent with the filing.

(4)(a) Subsequently, a site operator may also file for revisions to the maximum disposal rates due to:

(i) Changes in any governmentally imposed fee, surcharge, or tax assessed on a volume or a gross revenue basis against or collected by the site operator, including site closure fees, perpetual care and maintenance fees, business and occupation taxes, site surveillance fees, leasehold excise taxes, commission regulatory fees, municipal taxes, and a tax or payment in lieu of taxes authorized by the state to compensate the county in which a site is located for that county's legitimate costs arising out of the presence of that site within that county; or

(ii) Factors outside the control of the site operator such as a material change in regulatory requirements regarding the physical operation of the site.

(b) Revisions to the maximum disposal rate shall take effect thirty days after filing with the commission unless the commission suspends the filing or authorizes the proposed adjustments to take effect earlier.

(5) Upon establishment of a contract rate pursuant to section 7 of this act for a disposal fee, the site operator may not collect a disposal fee that is greater than the effective rate. The effective rate shall be in effect so long as such contract rate remains in effect. Adjustments to the maximum disposal rates may be made during the time an effective rate is in place. Contracts for disposal of extraordinary volumes pursuant to section 8 of this act shall not be considered in determining the effective rate.

(6) The site operator may petition the commission for new maximum disposal rates at any time. Upon receipt of such a petition, the commission shall set the matter for hearing and shall issue an order within seven months of the filing of the petition. The petition shall be accompanied by the documents required to accompany the filing for initial rates. The hearing on the petition shall be conducted in accordance with the commission's rules of practice and procedure.

(7) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

**NEW SECTION. Sec. 7.** (1) At any time, a site operator may contract with any person to provide a contract disposal rate lower than the maximum disposal rate.

(2) A contract or contract amendment shall be submitted to the commission for approval at least thirty days before its effective date. The commission may approve the contract or suspend the contract and set it for hearing. If the commission takes no

action within thirty days of filing, the contract or amendment shall go into effect according to its terms. Each contract filing shall be accompanied with documentation to show that the contract does not result in discrimination between generators receiving like and contemporaneous service under substantially similar circumstances and provides for the recovery of all costs associated with the provision of the service.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

**NEW SECTION. Sec. 8.(1)** In establishing the extraordinary volume adjustment, unless the site operator and generator of the extraordinary volume agree to a contract disposal rate, one-half of the extraordinary volume delivery shall be priced at the maximum disposal rate and one-half shall be priced at the site operator's incremental cost to receive the delivery. Such incremental cost shall be determined in the initial rate proceeding.

(2) For purposes of the subsequent calculation of the volume adjustment, one-half of the total extraordinary volume shall be included in the calculation.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

**NEW SECTION. Sec. 9.(1)** At any time, the commission or an interested person may file a complaint against a site operator alleging that the rates established pursuant to section 5 or 6 of this act are not in conformity with the standards set forth in section 4 of this act or that the site operator is otherwise not acting in conformity with the requirements of this chapter. Upon filing of the complaint, the commission shall cause a copy of the complaint to be served upon the site operator. The complaining party shall have the burden of proving that the maximum disposal rates determined pursuant to section 6 of this act are not just, fair, reasonable, or sufficient. The hearing shall conform to the rules of practice and procedure of the commission for other complaint cases.

(2) The commission shall encourage alternate forms of dispute resolution to resolve disputes between a site operator and any other person regarding matters covered by this chapter.

**NEW SECTION. Sec. 10.(1)** A site operator shall, on or before May 1, 1992, and each year thereafter, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of the gross operating revenue, exclusive of site surveillance fees, perpetual care and maintenance fees, site closure fees, and state or federally imposed out-of-region surcharges.

(2) Fees collected under this chapter shall reasonably approximate the cost of supervising and regulating site operators. The commission may order a decrease in fees by March 1st of any year in which it determines that the moneys then in the radioactive waste disposal companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating site operators.

(3) Fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

**NEW SECTION. Sec. 11.(1)** A low-level waste disposal site operator is exempt as specified in sections 4(2)(a), 5(6), 6(7), 7(3), and 8(3) of this act unless a monopoly situation exists with respect to the site operated by such site operator. A monopoly situation exists if either of the following is present:

(a) No disposal facility is available to Northwest compact generators of low-level radioactive waste other than the site or sites operated by such site operator or its affiliates; or

(b) Disposal rates at other sites are not reasonable alternatives for Northwest compact generators, considering: Disposal rates at other facilities; current disposal rates charged by the site operator; historic relationships between the site operator's rates and rates at other facilities; and changes in the operator's rates considering changes in waste volumes, taxes, and fees. A monopoly situation does not exist if either of the following facilities operates or is projected to operate after December 31, 1992:

(i) Any existing low-level radioactive waste disposal site outside the state of Washington, other than facilities operated by affiliates of a site operator, provided that such site or sites do not charge disposal rates that discriminate against Northwest compact generators, except to the extent, through December 31, 1994, such discrimination is authorized by amendment of current federal law.

(ii) An existing facility within the Northwest compact not receiving low-level radioactive waste offers to receive such waste under substantially similar terms and conditions.

(2) The exemption shall be in effect until such time as the commission finds, after notice and hearing, upon motion by the commission or upon petition by any interested party, that a monopoly situation exists or will exist as of January 1, 1993. The finding shall be based upon application of the criteria set forth in this section. The commission may assess a site operator for all of the commission's costs of supervision and regulation prior to and relative to determining whether the exemption applies to the site operator. If the commission determines that a site operator is not subject to the exemption, it shall collect its costs of supervision and regulation under section 10 of this act.

(3) When an exemption is in effect, any increase in the rates charged by the operator effective January 1, 1993, for services other than the base rate for disposal of solid material in packages of twelve cubic feet or less shall be no more than the percentage increase in the base rate in effect on January 1, 1993.

NEW SECTION. Sec. 12.(1) At any time after this chapter has been implemented with respect to a site operator, such site operator may petition the commission to be classified as competitive. The commission may initiate classification proceedings on its own motion. The commission shall enter its final order with respect to classification within seven months from the date of filing of a company's petition or the commission's motion.

(2) The commission shall classify a site operator as a competitive company if the commission finds, after notice and hearing, that the disposal services offered are subject to competition because the company's customers have reasonably available alternatives. In determining whether a company is competitive, the commission's consideration shall include, but not be limited to:

(a) Whether the system of interstate compacts and regional disposal sites established by federal law has been implemented so that the Northwest compact site located near Richland, Washington is the exclusive site option for disposal by customers within the Northwest compact states;

(b) Whether waste generated outside the Northwest compact states is excluded; and

(c) The ability of alternative disposal sites to make functionally equivalent services readily available at competitive rates, terms, and conditions.

(3) The commission may reclassify a competitive site operator if reclassification would protect the public interest as set forth in this section.

(4) Competitive low-level radioactive waste disposal companies shall be exempt from commission regulation and fees during the time they are so classified.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to affect the jurisdiction of another state agency.

**Sec. 14.** RCW 82.16.010 and 1989 c 302 s 203 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.



(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

**Sec. 15.** RCW 82.04.260 and 1990 c 21 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) ~~The rate specified in this subsection shall be reduced to ten percent ((upon the effective date of legislation adopted pursuant to RCW 81.04.520 governing regulation of the business of low level radioactive waste disposal))~~ on the effective date of this section.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992(~~(, if (a) of this subsection has taken effect)~~).

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

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.

NEW SECTION. Sec. 16.A new section is added to chapter 43.200 RCW to read as follows:

The director of the department of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to six dollars and fifty cents. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. The fee shall be allocated in accordance with sections 17 and 18 of this act. This subsection shall be invalidated and the authorization to collect a surcharge removed if the legislature or any administrative agency of the state of Washington prior to January 1, 1993, (1) imposes fees, assessments, or charges other than perpetual care and maintenance, site surveillance, and site closing fees currently applicable to the Hanford commercial low-level waste site operator's activities, (2) imposes any additional fees, assessments, or charges on generators using the Hanford commercial low-level waste site, or (3) increases any existing fees, assessments, or charges.

NEW SECTION. Sec. 17.A new section is added to chapter 43.200 RCW to read as follows:

A portion of the surcharge received under section 16 of this act shall be remitted monthly to the county in which the low-level radioactive waste disposal facility is located in the following manner:

- (1) During 1993, six dollars and fifty cents per cubic foot of waste;
- (2) During 1994, three dollars and twenty-five cents per cubic foot of waste; and
- (3) During 1995 and thereafter, two dollars per cubic foot of waste.

NEW SECTION. Sec. 18.A new section is added to chapter 43.200 RCW to read as follows:

Except for moneys that may be remitted to a county in which a low-level radioactive waste disposal facility is located, all surcharges authorized under section 16 of this act shall be deposited in the fund created in section 19 of this act.

NEW SECTION. Sec. 19.A new section is added to chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in section 20 of this act and the approval of the director of the department of trade and economic development for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of trade and economic development or the director's designee after an affirmative vote of at least six members of the committee created in section 20 of this act on any recommendations by the committee created in section 20 of this act. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

NEW SECTION. Sec. 20.A new section is added to chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund committee staffed by the local associate development organization is hereby established.

(1) The committee shall have eleven members. The governor shall appoint the members, in consultation with the Hanford area associate development organization and Hanford area elected officials, subject to the following requirements:

(a) All members shall either reside or be employed within the Hanford area;

(b) The committee shall have a balanced membership representing one member each from the elected leadership of Benton county, Franklin county, the city of Richland, the city of Kennewick, the city of Pasco, a Hanford area port district, the labor community, and four members from the Hanford area business and financial community.

(c) Careful consideration shall be given to assure minority representation on the committee.

(2) Each member appointed by the governor shall serve a term of three years, except that of the members first appointed, four shall serve two-year terms and four shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the governor for cause.

(3) The governor shall designate a member of the committee as its chairperson. The committee may elect such other officers as it deems appropriate. Six members of the committee constitute a quorum and six affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 21. A new section is added to Chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund committee created under section 20 of this act may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Utilize the services of other governmental agencies;

(3) Accept from any federal or state agency loans or grants for the purposes of funding Hanford area revolving loan funds, Hanford area infrastructure projects, or Hanford area economic development projects;

(4) Recommend to the director rules for the administration of the program, including the terms and rates pertaining to its loans, and criteria for awarding grants, loans, and financial guarantees;

(5) Recommend to the director a spending strategy for the moneys in the fund created in section 19 of this act. The strategy shall include five and ten year goals for economic development and diversification for use of the moneys in the Hanford area; and

(6) Recommend to the director no more than two allocations eligible for funding per calendar year, with a first priority on Hanford area revolving loan allocations, and Hanford area infrastructure allocations followed by other Hanford area economic development and diversification projects if the committee finds that there are no suitable allocations in the priority allocations described in this section.

NEW SECTION. Sec. 22. Sections 1, 2, and 4 through 13 of this act shall constitute a new chapter in Title 81 RCW.

**Sec. 23.** RCW 82.29A.020 and 1986 c 285 s 1 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent shall include only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and shall not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general

public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

NEW SECTION. Sec. 24.(1) Sections 1 through 15 and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Sections 1 through 14 and 22 of this act shall take effect July 1, 1991, and section 15 of this act shall take effect immediately.

(2) Sections 16 through 21 and 23 of this act shall take effect January 1, 1993.

On page 1, line 1 of the title, after "sites;" strike the remainder of the title and insert "amending RCW 81.04.010, 82.16.010, 82.04.260, and 82.29A.020; adding a new chapter to Title 81 RCW; adding new sections to chapter 43.200 RCW; adding new sections to chapter 43.31 RCW; providing effective dates; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5756.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5756.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5756.

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. 5756, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5756, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 5; Absent, 0; Excused, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Oke, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 34.

Voting nay: Senators Murray, Niemi, Talmadge, Williams, Wojahn - 5.

Excused: Senators Amondson, Anderson, Matson, Nelson, Owen, Patterson, Rasmussen, Sellar, Snyder, Vognild - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5756, 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.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5916 and the pending motion by Senator Roach to concur in the House amendments, deferred April 24, 1991.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to concur in the House amendments to Substitute Senate Bill No. 5916.

The motion by Senator Roach carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5916.

The motion by Senator Roach carried and the House amendments to Substitute Senate Bill No. 5916 were adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5916, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5916, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, West, Williams, Wojahn - 38.

Absent: Senator von Reichbauer - 1.

Excused: Senators Amondson, Anderson, Matson, Nelson, Owen, Patterson, Rasmussen, Sellar, Snyder, Vognild - 10.

SUBSTITUTE SENATE BILL NO. 5916, 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.

### MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5821 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) Except as provided in section 2 of this act, all authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass



contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

NEW SECTION. Sec. 2.A new section is added to chapter 70.94 RCW to read as follows:

(1) Any county that is part of a multicounty authority, pursuant to RCW 70.94.053, may withdraw from the multicounty authority after January 1, 1992, if the county wishes to provide for air quality protection and regulation by an alternate air quality authority. A withdrawing county shall:

(a) Create its own single county authority;

(b) Join another existing multicounty authority with which its boundaries are contiguous;

(c) Join with one or more contiguous inactive authorities to operate as a new multicounty authority; or

(d) Become an inactive authority and subject to regulation by the department of ecology.

(2) In order to withdraw from an existing multicounty authority, a county shall make arrangements, by interlocal agreement, for division of assets and liabilities and the appropriate release of any and all interest in assets of the multicounty authority.

(3) In order to effectuate any of the alternate arrangements in subsection (1) of this section, the procedures of this chapter to create an air pollution control authority shall be met and the actions must be taken at least six months prior to the effective date of withdrawal. The rules of the original multicounty authority shall continue in force for the withdrawing county until such time as all conditions to create an air pollution control authority have been met.

(4) At the effective date of a county's withdrawal, the remaining counties shall reorganize and reconstitute the legislative authority pursuant to this chapter. The air pollution control regulations of the existing multicounty authority shall remain in force and effect after the reorganization.

(5) If a county elects to withdraw from an existing multicounty authority, the air pollution control regulations shall remain in effect for the withdrawing county until suspended by the adoption of rules, regulations, or ordinances adopted under one of the alternatives of subsection (1) of this section. A county shall initiate proceedings to adopt such rules, regulations, or ordinances on or before the effective date of the county's withdrawal.

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 70.94.053; and adding a new section to chapter 70.94 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion by Senator Oke, the Senate concurred in the House amendments to Senate Bill No. 5821.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5821, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5821, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 4; Absent, 1; Excused, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 34.

Voting nay: Senators Murray, Talmadge, Williams, Wojahn - 4.

Absent: Senator Metcalf - 1.

Excused: Senators Amondson, Anderson, Matson, Nelson, Owen, Patterson, Rasmussen, Sellar, Snyder, Vognild - 10.

SENATE BILL NO. 5821, 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.

## MESSAGE FROM THE HOUSE

April 24, 1991

## MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5555 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cantwell, Sheldon and Bowman.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5555.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5555 and the House amendments thereto: Senators Anderson, Owen and Matson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5202 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Inslee, Dellwo and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference, insists on its position and once again asks the House to recede from its amendments to Substitute Senate Bill No. 5202.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5458 and again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5458 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. 5458 and the House amendments thereto: Senators Johnson, Bauer and L. Smith.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5612 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, G. Fisher and Beck.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute Senate Bill No. 5612.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5612 and the House amendments thereto: Senators Bluechel, Sutherland and Metcalf.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5418 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Riley and Padden.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference, insists on its position and once again asks the House to recede from its amendments to Senate Bill No. 5418.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1040,  
SUBSTITUTE HOUSE BILL NO. 1050,  
HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1071,  
HOUSE BILL NO. 1072,  
SUBSTITUTE HOUSE BILL NO. 1088,  
HOUSE BILL NO. 1091,  
HOUSE BILL NO. 1118,  
HOUSE BILL NO. 1125,  
HOUSE BILL NO. 1143,  
HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1177,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1208,  
HOUSE BILL NO. 1224,  
ENGROSSED HOUSE BILL NO. 1228,  
HOUSE BILL NO. 1264,  
SUBSTITUTE HOUSE BILL NO. 1265,  
SUBSTITUTE HOUSE BILL NO. 1274,  
HOUSE BILL NO. 1312,  
SUBSTITUTE HOUSE BILL NO. 1358,  
HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1377,  
HOUSE BILL NO. 1431,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1480,  
HOUSE BILL NO. 1489,  
HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1571,  
SUBSTITUTE HOUSE BILL NO. 1635,  
SUBSTITUTE HOUSE BILL NO. 1721,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1739,  
HOUSE BILL NO. 1748,  
SUBSTITUTE HOUSE BILL NO. 1782,  
SUBSTITUTE HOUSE BILL NO. 1821,  
SUBSTITUTE HOUSE BILL NO. 1861,  
SUBSTITUTE HOUSE BILL NO. 1864,  
HOUSE BILL NO. 1878,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,  
 SUBSTITUTE HOUSE BILL NO. 1886,  
 HOUSE BILL NO. 1910,  
 SUBSTITUTE HOUSE BILL NO. 1911,  
 SUBSTITUTE HOUSE BILL NO. 1931,  
 HOUSE BILL NO. 1946,  
 HOUSE BILL NO. 1955,  
 SUBSTITUTE HOUSE BILL NO. 1958,  
 SUBSTITUTE HOUSE BILL NO. 1971,  
 HOUSE BILL NO. 1986,  
 HOUSE BILL NO. 1995,  
 SUBSTITUTE HOUSE BILL NO. 2005,  
 HOUSE BILL NO. 2057,  
 HOUSE BILL NO. 2059,  
 SUBSTITUTE HOUSE BILL NO. 2069,  
 HOUSE BILL NO. 2082,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
 HOUSE BILL NO. 2106,  
 HOUSE BILL NO. 2142,  
 HOUSE BILL NO. 2147,  
 HOUSE JOINT MEMORIAL NO. 4004,  
 HOUSE JOINT MEMORIAL NO. 4008,  
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,  
 HOUSE JOINT MEMORIAL NO. 4015,  
 HOUSE JOINT MEMORIAL NO. 4016.

#### MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5170 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Ludwig and Padden.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Senate Bill No. 5170.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5170 and the House amendments thereto: Senators Erwin, Snyder and Thorsness.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

## MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1151 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate adheres to its position regarding the Senate amendments to House Bill No. 1151.

## MOTION

At 10:48 a.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m..

The Senate was called to order at 3:50 p.m. by President Pritchard.

## MESSAGES FROM THE HOUSE

April 25, 1991

## MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1019,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,  
SUBSTITUTE HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1052,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,  
SUBSTITUTE HOUSE BILL NO. 1142,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1206,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,  
SUBSTITUTE HOUSE BILL NO. 1316,  
SUBSTITUTE HOUSE BILL NO. 1336,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,  
HOUSE BILL NO. 1470,

HOUSE BILL NO. 1487,  
ENGROSSED HOUSE BILL NO. 1500,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,  
HOUSE BILL NO. 1581,  
HOUSE BILL NO. 1675,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,  
ENGROSSED HOUSE BILL NO. 1723,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
ENGROSSED HOUSE BILL NO. 1740,  
SUBSTITUTE HOUSE BILL NO. 1743,  
SUBSTITUTE HOUSE BILL NO. 1771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,  
SUBSTITUTE HOUSE BILL NO. 1830,  
SUBSTITUTE HOUSE BILL NO. 1852,  
SUBSTITUTE HOUSE BILL NO. 1858,  
SUBSTITUTE HOUSE BILL NO. 1919,  
SUBSTITUTE HOUSE BILL NO. 1957,  
HOUSE BILL NO. 1992,  
SUBSTITUTE HOUSE BILL NO. 1997,  
SUBSTITUTE HOUSE BILL NO. 2042,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,  
HOUSE BILL NO. 2163, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

APRIL 24, 1991

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1054,  
SUBSTITUTE HOUSE BILL NO. 1082,  
ENGROSSED HOUSE BILL NO. 1096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,  
SUBSTITUTE HOUSE BILL NO. 1112,  
ENGROSSED HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1222,  
HOUSE BILL NO. 1262,  
HOUSE BILL NO. 1263,  
ENGROSSED HOUSE BILL NO. 1277,  
HOUSE BILL NO. 1339,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1416,  
ENGROSSED HOUSE BILL NO. 1428,  
HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1558,



SUBSTITUTE HOUSE BILL NO. 1649,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2021,  
SUBSTITUTE HOUSE BILL NO. 2044,  
HOUSE BILL NO. 2198,  
HOUSE JOINT RESOLUTION NO. 4218,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221, and the same  
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1991

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following  
bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1709, and the same are herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5111,  
and has passed the bill without said amendment(s), and the same is herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

MR. PRESIDENT:

The President signed:

SUBSTITUTE HOUSE BILL NO. 1019,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,  
SUBSTITUTE HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1052,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,  
SUBSTITUTE HOUSE BILL NO. 1142,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1206,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,  
SUBSTITUTE HOUSE BILL NO. 1316,  
SUBSTITUTE HOUSE BILL NO. 1336,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,  
HOUSE BILL NO. 1470,  
HOUSE BILL NO. 1487,  
ENGROSSED HOUSE BILL NO. 1500,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,  
HOUSE BILL NO. 1581,  
HOUSE BILL NO. 1675,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,  
ENGROSSED HOUSE BILL NO. 1723,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
ENGROSSED HOUSE BILL NO. 1740,  
SUBSTITUTE HOUSE BILL NO. 1743,  
SUBSTITUTE HOUSE BILL NO. 1771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,  
SUBSTITUTE HOUSE BILL NO. 1830,  
SUBSTITUTE HOUSE BILL NO. 1852,  
SUBSTITUTE HOUSE BILL NO. 1858,  
SUBSTITUTE HOUSE BILL NO. 1919,  
SUBSTITUTE HOUSE BILL NO. 1957,  
HOUSE BILL NO. 1992,  
SUBSTITUTE HOUSE BILL NO. 1997,  
SUBSTITUTE HOUSE BILL NO. 2042,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,  
HOUSE BILL NO. 2163.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1054,  
SUBSTITUTE HOUSE BILL NO. 1082,  
ENGROSSED HOUSE BILL NO. 1096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,  
SUBSTITUTE HOUSE BILL NO. 1112,  
ENGROSSED HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1222,  
HOUSE BILL NO. 1262,  
HOUSE BILL NO. 1263,  
ENGROSSED HOUSE BILL NO. 1277,  
HOUSE BILL NO. 1339,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1416,  
ENGROSSED HOUSE BILL NO. 1428,  
HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1558,  
SUBSTITUTE HOUSE BILL NO. 1649,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2021,  
SUBSTITUTE HOUSE BILL NO. 2044,

HOUSE BILL NO. 2198,  
HOUSE JOINT RESOLUTION NO. 4218,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221.

MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1201 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Cooper and Ferguson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1201.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1201 and the Senate amendments thereto: Senators Roach, Madsen and Oke.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5613 to page 2, after line 29; insists on its amendment to page 8, line 12, and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment on page 8, line 12 to Substitute Senate Bill No. 5613.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5613, as amended by the House on page 8, line 12, but without the House amendment on page 2, after line 29.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5613, as amended by the House on page 8, line 12, but without the House amendment on page 2, after line 29, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Patterson, Rasmussen, Sellar, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5613, as amended by the House on page 8, line 12, but without the House amendment on page 2, after line 29, having received the 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 von Reichbauer was excused.

### MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5167 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Wineberry and Padden.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Second Substitute Senate Bill No. 5167.

### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5167 and the House amendments thereto: Senators Nelson, A. Smith and Thorsness.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5188 and again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5188 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. 5188 and the House amendments thereto: Senators Bluechel, Moore and Erwin.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## REPORT OF CONFERENCE COMMITTEE

ESHB 1426

April 23, 1991

Establishing the center for sustaining agriculture and natural resources and the food and environmental quality laboratory as research and extension programs of Washington State University.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, WSU research/extension programs, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment Adopted as Amended on 4/9/91 be adopted with the following changes:

On page 8, line 23, after NEW SECTION. Sec. 10. strike all material through "dollars." on page 9, line 4.

On page 12, line 24, strike all of NEW SECTION. Sec. 16. and insert the following:

NEW SECTION. Sec. 16. If specific funding for the purposes of sections 12 through 14 of this act, referencing sections 12 through 14 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12 through 14 of this act shall be null and void."

On page 13, beginning on line 7 of the title amendment, strike "making an appropriation;" and the bill do pass as amended by the Conference Committee.

Signed by Senators Hayner, Jesernig; Representatives Rayburn, Bray, Nealey.

### MOTION

On motion of Senator Hayner, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1426 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1426, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1426, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 45.

Absent: Senator Madsen - 1.

Excused: Senators Rasmussen, Sellar, von Reichbauer - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, as recommended by the 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.

### REPORT OF CONFERENCE COMMITTEE

**ESHB 1510**

April 24, 1991

Includes "NEW ITEM":

Changing provisions relating to guardianship.

MR. PRESIDENT:

**MR. SPEAKER:**

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, Guardianship provisions, have had the same under consideration and we recommend that:

The Senate Committee on Children and Family Services amendment adopted on 4/12/91 be adopted; and

The bill be further amended as follows:

On page 6, line 3, after "chapter 18.71 RCW" insert "or 18.57 RCW", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Stratton, Craswell; Representatives Appelwick, R. Meyers, Padden.

**MOTION**

On motion of Senator Craswell, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1510 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1510, as recommended by the Conference Committee.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1510, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 44.

Absent: Senators Madsen, Oke - 2.

Excused: Senators Rasmussen, Sellar, von Reichbauer - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, as recommended by the 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.

**MESSAGE FROM THE HOUSE**

April 24, 1991

**MR. PRESIDENT:**

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5670 and again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Linda Smith, the Senate insists on its position regarding the House amendments to Substitute Senate Bill No. 5670 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SENATE BILL NO. 5147 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Ludwig and Paris.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Senate Bill No. 5147.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5147 and the House amendments thereto: Senators Nelson, Talmadge and Erwin.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SENATE BILL NO. 5049 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cooper, Orr and Betrozoff.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Senate Bill No. 5049.



## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5049 and the House amendments thereto: Senators Patterson, McMullen and Oke.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025 was returned to second reading and the Committee on Human Services amendment was amended by the following floor amendments and the bill passed as amended:

On page 3, beginning on line 3 of the amendment, strike all of section 5  
Renumber remaining sections and correct internal references.

On page 4, line 1 of the amendment, after "center" strike "in violation of a court order"

On page 6, beginning on line 5 of the amendment, strike all of section 9  
Renumber remaining sections and correct internal references.

On page 23, beginning on line 3 of the amendment, strike all of section 23  
Renumber remaining section and correct internal references.

On page 23, line 15 of the title amendment, strike "74.13.035,"

On page 23, line 16 of the title amendment, strike "adding a new section to chapter 74.13 RCW;"; and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5025.

## POINT OF ORDER

Senator Talmadge: "I raise the point of order that the House amendment, even as amended under the suspension of the rules, expands the scope and object of Engrossed Second Substitute Senate Bill No. 5025. If you look at the bill carefully, the bill in several respects incorporates provisions contained in other bills that were before the Legislature, but not originally in Senate Bill No. 5025 as considered by the Committee on Children and Family Services or

as amended by the House of Representatives. I would point the President, specifically, to the provision contained in Section 8 of the House amendment to Engrossed Second Substitute Senate Bill No. 5025, wherein the staff ratio in crisis residential centers is removed. This was a provision that was contained in another bill in the Senate. It is a bill that expands the scope and object to include the consideration of staffing ratios in crisis residential centers when the scope and object of this bill is a bill dealing specifically with at-risk youth and the necessity of having appropriate facilities to house at-risk youth.

"Section 8 of the bill, in specific, is one in which the present staffing ratios for crisis residential centers will be removed and that will do very substantial damage to semi-secure facilities that would ordinarily house these youth that are on the run. For that reason, I believe, Mr. President, the scope and object of the bill has been expanded by the House amendments to Engrossed Second Substitute Senate Bill No. 5025."

Further debate ensued.

#### MOTION

At 4:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, April 26, 1991.

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

**ONE HUNDRED-THIRD DAY**-----  
**MORNING SESSION**  
-----

Senate Chamber, Olympia, Friday, April 26, 1991

The Senate was called to order at 9:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cantu, Conner, Jesernig, McDonald, McMullen and Sellar. On motion of Senator Murray, Senators Conner and Jesernig were excused. On motion of Senator Anderson, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stephanie Riggins and William Kilgore, presented the Colors. Reverend Don Nicholson, pastor of the Victory 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**

April 25, 1991

**MR. PRESIDENT:**

The House grants the request of the Senate for a conference on **SUBSTITUTE HOUSE BILL NO. 1194**. The Speaker has appointed the following members as conferees: Representatives Haugen, Bray and Ferguson.

**ALAN THOMPSON, Chief Clerk**

April 25, 1991

**MR. PRESIDENT:**

The House has adopted **HOUSE CONCURRENT RESOLUTION NO. 4418**, and the same is herewith transmitted.

**ALAN THOMPSON, Chief Clerk**

April 25, 1991

**MR. PRESIDENT:**

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

**SUBSTITUTE HOUSE BILL NO. 1137,**

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

At 9:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:14 a.m. by President Pro Tempore Craswell.

### MOTION

At 10:14 a.m., on motion of Senator Hayner, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:20 a.m. by President Pritchard.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9080, Patrick J. Graham, as a member of the Gambling Commission, was confirmed.

### APPOINTMENT OF PATRICK J. GRAHAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saligg, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Cantu, McDonald, McMullen - 3.

Excused: Senators Conner, Jesernig, Sellar - 3.

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

### MOTION

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

## SENATE RESOLUTION 1991-8677

By Senators Hayner, Gaspard, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, Orrene Slemmer has served thirty consecutive sessions in the Washington State Senate and during that time has earned bipartisan respect for her role as Production Services Manager, a job that can only be compared to juggling high-speed bowling balls, and this she has done with the utmost grace, patience and expertise; and

WHEREAS, After Orrene graduated from West Valley High School with Sen. Ken Madsen and a few years after Sen. Gary Nelson, and after completion of business courses at Nazarene College in Nampa, Idaho, she preceded these distinguished citizens to the Washington State Senate, taking her place at a manual typewriter in a well-top desk for Sen. Karl V. Herrmann in 1961; and

WHEREAS, Orrene's role in the Senate has been one of the greatest integrity, the extreme of which was exhibited when she participated in the preparation of amendments by the now obsolete method of paper-clipping them to bills, and kept the precious few mimeographed copies of bills under lock and key, **NO MATTER WHO WANTED THEM!**; and

WHEREAS, Armed only with a manual typewriter, a mimeograph and her own perseverance, Orrene produced thousands of letters during early morning, late night and weekend sessions, long after even the members had gone home, to ensure that constituents received top quality, personal communication from their legislators; and

WHEREAS, When the manual typewriter and mimeograph gave way to the computer, and members' mailings multiplied, Orrene still considered it her personal responsibility to maintain the highest degree of quality in each printed communication to constituents; and

WHEREAS, Orrene has numerous and demanding responsibilities, not the least of which is distributing employee paychecks, and Orrene, with her perpetual smile and cheery greeting, faithfully performed that function every 10th and 25th day of each month; and

WHEREAS, Orrene's tenure with the Senate would have been a test to any person's stamina, yet her special personal strength, compassion and understanding have reached beyond her own staff to touch the lives of people she doesn't even know;

**NOW, THEREFORE, BE IT RESOLVED,** That the members here assembled honor and congratulate Orrene Slemmer for her many years of service to the Washington State Senate, and extend their very best wishes for an active, healthy, and happy retirement; and

**BE IT FURTHER RESOLVED,** Copies of this resolution be immediately transmitted by the Secretary of the Senate to Orrene Slemmer.

Senators Hayner, Gaspard, Snyder, Nelson and Kreidler spoke to Senate Resolution 1991-8677.

### INTRODUCTION OF SPECIAL GUESTS

The President introduced Orrene Slemmer and her family, as well as members of her work staff, who were seated in the gallery.

### MESSAGES FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5301, and has passed the bill without said amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1991

MR. PRESIDENT:

The House insists on its amendment(s) to SUBSTITUTE SENATE BILL NO. 5418 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5418 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. 5418 and the House amendments thereto: Senators Nelson, Rasmussen and Thorsness.

### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

### MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2093 and once again asks the Senate for a conference thereon.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed House Bill No. 2093.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2093 and the Senate amendments thereto: Senators McDonald, Talmadge and Amondson.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Rasmussen and Schmidt.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1427.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1427 and the Senate amendments thereto: Senators Bluechel, Rinehart and Matson.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071 and once again asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to recede from the Senate amendments to Engrossed Substitute House Bill No. 2071, and requests of the House a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2071 and the Senate amendments thereto: Senators L. Smith, Kreidler and Johnson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Kremen and Nealey.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 5096.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5096 and the House amendments thereto: Senators Barr, Hansen and Newhouse.



## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1991

## MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1275 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate for a conference thereon. The Speaker has appointed the following conferees: Representatives Haugen, Appelwick and Ferguson.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Newhouse moved that the Senate grant the request of the House for a conference on Substitute House Bill No. 1275.

## MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1275 was deferred.

## MESSAGE FROM THE HOUSE

April 24, 1991

## MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5184 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Saling, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5184 and once again asks the House to recede therefrom.

## PERSONAL PRIVILEGE

Senator Vognild: "Mr. President, I rise to a point of personal privilege. In the Tidbits on your desk is a quote from The Olympian quoting me on a floor speech. Their quote was that Senator Vognild said, 'What we are doing

here is putting the horse before the cart.' They asked then, 'Excuse us, Senator, isn't that where the horse belongs?' I am surprised--and this kind of implies that I made a mistake--that a paper that knows the legislative process as well as The Olympian doesn't understand that I said exactly what I meant, because we all know the Legislature seldom ever puts the horse where it belongs."

#### MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5010 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Linda Smith, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5010 and once again asks the House to recede therefrom.

#### MOTION

At 11:57 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:12 p.m. by President Pritchard.

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

#### MOTION

On motion of Senator Murray, Senators Niemi and Skratek were excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9060, Jeanne Cobb, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

## APPOINTMENT OF JEANNE COBB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 6; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 38.

Absent: Senators Barr, Bauer, Matson, Moore, Stratton, West - 6.

Excused: Senators Conner, Jesernig, Niemi, Sellar, Skratek - 5.

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

## MESSAGE FROM THE HOUSE

April 23, 1991

## MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1454 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Metcalf, the Senate receded from its amendments to Substitute House Bill No. 1454.

## MOTION

On motion of Senator Anderson, Senators Barr, Bailey, Matson, L. Smith and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1454, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1454, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 39.

Excused: Senators Bailey, Barr, Conner, Jesernig, Matson, Niemi, Sellar, Skratek, L. Smith, West - 10.

SUBSTITUTE HOUSE BILL NO. 1454, without the Senate amendments, having received the 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 Bill No. 5025, and the pending motion by Senator Newhouse to concur in the House amendments, deferred April 25, 1991.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President believes that Section 8 was previously before the Senate in the striking amendment and the Senate voted to not concur. The Section remains unchanged by the recent House amendments.

"The President believes that the time for raising the objection should have been when the amendment was before the Senate the first time. This ruling would be consistent with past rulings in that it would facilitate and expedite legislative business and tend to bring the Houses closer together.

"The President finds the point of order is not timely."

The House amendments to Engrossed Second Substitute Senate Bill No. 5025 were ruled in order.

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. On the timeliness issue, the issue of timeliness was raised by way of a point of order earlier on in the session. This ruling from the President on this bill seems to be at odds with that earlier ruling that the President made with respect to timeliness. I guess what I would request is that the President would examine both of the rulings to make sure that we have a consistent ruling with respect to the timeliness of raising points of order, so that members were aware of what we have to do in terms of raising these points of order. There just seems like there were two different standards for this timeliness issue in terms of raising the point of order."

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, that is an interesting question. The President will review it and get back to you."

Further debate ensued.

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

#### MOTIONS

On motion of Senator Cantu, Senator Bluechel was excused.

On motion of Senator Murray, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5025.

### ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments by the following vote: Yeas, 21; Nays, 19; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Craswell, Erwin, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer - 21.

Voting nay: Senators Bauer, Gaspard, Hansen, M. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 19.

Excused: Senators Bluechel, Conner, Jesernig, Matson, Niemi, Rinehart, Sellar, Skratek, West - 9.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5025, as amended by the House.

Debate ensued.

### POINT OF INQUIRY

Senator Roach: "Senator Craswell, does Engrossed Second Substitute Senate Bill No. 5025 authorize parents or guardians to request the involuntary commitment of a minor if they are addicted to alcohol or drugs?"

Senator Craswell: "Yes, Section 16 of the House striking amendment authorizes parents or guardians to request the involuntary detention of minors and provide treatment. Parents and guardians are authorized to request the involuntary commitment of minors based on their ability to pay the associated costs. The budget passed by the Senate provides \$300,000 for juvenile court proceedings related to the involuntary commitment to treatment of addicted minors. While the House striking amendment does not require additional funds for this process to occur, the additional funds provided in the Senate budget would allow the evaluation and involuntary treatment process to be used by additional low-income families."

Further debate ensued.

### MOTION

On motion of Senator Anderson, Senator Bailey was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025, as amended by the House, and the bill failed by the following vote: Yeas, 20; Nays, 20; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Craswell, Erwin, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer - 20.

Voting nay: Senators Bauer, Gaspard, Hansen, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

Excused: Senators Bailey, Bluechel, Conner, Jesernig, Matson, Rinehart, Sellar, Skratek, West - 9.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, as amended by the House, having failed to receive the constitutional majority, was declared lost.

### NOTICE FOR RECONSIDERATION

Senator Talmadge, having voted on the prevailing side, served notice of reconsideration of the vote by which Engrossed Second Substitute Senate Bill No. 5025, as amended by the House, failed to pass the Senate.

### REPORT OF CONFERENCE COMMITTEE

**SHB 1954**

April 25, 1991

Includes "NEW ITEM": **YES**

Changing conditions and limitations on agricultural nuisances.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1954, Agricultural nuisances, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment, adopted as amended 4/5/91, be adopted with the following change:

On page 1, line 18, after "restricted" strike all material through "week." on line 19, and insert "as to the time during which it may be conducted."

Nothing in this section shall affect or impair any right to sue for damages.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senator Barr, Hansen, Newhouse; Representatives Rayburn, Kremen, Nealey.

### MOTION

On motion of Senator Barr, the Report of the Conference Committee on Substitute House Bill No. 1954 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1954, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1954, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, Williams - 36.

Voting nay: Senators Murray, Niemi, Rinehart, A. Smith, Talmadge, Vognild, Wojahn - 7.

Excused: Senators Bailey, Conner, Jesernig, Sellar, Skratek, West - 6.

SUBSTITUTE HOUSE BILL NO. 1954, as recommended by the 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 FOR RECONSIDERATION

On motion of Senator Vognild, Senator Talmadge having been served notice, the Senate will immediately reconsider the vote by which Engrossed Second Substitute Senate Bill No. 5025, as amended by the House, failed to pass the Senate.

### MOTIONS

On motion of Senator Craswell, the Senate will reconsider the vote by which the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5025.

On motion of Senator Craswell, on reconsideration, the Senate concurred in all of the House amendments to Engrossed Second Substitute Senate Bill No. 5025, with the exception of Section 8.

### MOTION

On motion of Senator Newhouse, the Senate concurred in all of the amendments to Engrossed Second Substitute Senate Bill No. 5025, with the exception of Section 8, and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5477 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, Pruitt and McLean.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Senate Bill No. 5477.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5477 and the House amendments thereto: Senators Nelson, Conner and Oke.

#### MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House adheres to its position regarding the Senate amendment(s) to HOUSE BILL NO. 1151, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

#### MESSAGE FROM THE GOVERNOR

April 26, 1991

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

I have the honor to advise you that on April 26, 1991, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5928

Relating to interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor



## MOTION

At 2:00 p.m., on motion of Senator Newhouse, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:10 p.m. by President Pritchard.

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

## MESSAGES FROM THE HOUSE

April 26, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960.

ALAN THOMPSON, Chief Clerk

## STATEMENT FOR THE JOURNAL

TO:

Gordon Golob

FROM: Senator Sutherland

RE:

Vote on ESHB 1877

I was absent from the roll call on April 26th for the final vote on ESHB 1877 as referred from conference committee. I was called away from the floor for a meeting dealing with other legislation. I would have voted "yea" if present.

SENATOR DEAN SUTHERLAND, 17th District

## REPORT OF CONFERENCE COMMITTEE

ESHB 1877

April 25, 1991

Includes "NEW ITEM": YES

Creating the Olympic natural resources center.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, Olympic natural resources center, have had the same under consideration and we recommend that:

The Senate amendment by Senator Owen adopted 4/9/91 be not adopted; and

That ESHB 1877 be amended as follows:

On page 3, beginning on line 16, after "to" strike all material through "ecosystems" on line 17, and insert "integrate the production of commodities with the preservation of ecological values", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Snyder, Metcalf; Representatives Belcher, Hargrove, Brumsickle.

## MOTION

On motion of Senator Metcalf, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1877 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1877, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1877, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Hansen, Matson, Owen, Sutherland - 4.

Excused: Senators Jesernig, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, as recommended by the 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.

### STATEMENT FOR THE JOURNAL

April 26, 1991

Due to business in Seattle, I missed the vote on the Conference Reports on Engrossed House Bill No. 2141 and Substitute House Bill No. 1452. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

### REPORT OF CONFERENCE COMMITTEE

**EHB 2141**

April 25, 1991

Includes "NEW ITEM": YES

Establishing a state oral history program.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2141, State oral history program, have had the same under consideration and we recommend that:

The Senate amendments to page 2, line 7, adopted on 4/3/91 not be adopted; and

The following amendments be adopted:

On page 1, line 13, after "histories" strike all material through "interviews" on line 14.

On page 2, after line 6, strike all material through "senate;" on line 10, and insert the following:

"(1) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;(2) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Madsen, Bluechel; Representatives Anderson, Jacobsen, Prince.

### MOTION

On motion of Senator Roach, the Report of the Conference Committee on Engrossed House Bill No. 2141 was adopted.

## MOTIONS

On motion of Senator Anderson, Senator Matson was excused.

On motion of Senator Murray, Senators Hansen, Owen and Talmadge were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2141, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2141, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Hansen, Jesernig, Matson, Owen, Sellar, Talmadge - 6.

ENGROSSED HOUSE BILL NO. 2141, as recommended by the 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.

## REPORT OF CONFERENCE COMMITTEE

EHB 1352

April 25, 1991

Includes "NEW ITEM": YES

Making confidential certain information acquired by the department of labor and industries

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1352, L&I confidential information, have had the same under consideration and we recommend that:

The Senate floor amendment adopted 4/12/91 be adopted; and that the following additional amendments to the engrossed bill be adopted:

On page 1, beginning on line 13, after "shall not be" strike "released or"

On page 2, line 2, after "shall" strike "not be released" and insert "be deemed confidential and shall not be open to public inspection"

On page 5, line 2, after "information." insert the following:

"Sec. 4. RCW 51.36.030 and 1980 c 14 s 12 are each amended to read as follows:

Every employer, who employs workers, shall keep as required by the department's rules a first aid kit or kits equipped as required by such rules with materials for first aid to his or her injured workers. First aid kits shall not be required in motor vehicles. Every employer who employs fifty or more workers, shall keep one first aid station equipped as required by the department's rules with materials for first aid to his or her injured workers, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any safety and health standards established under Title 49 RCW., and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Matson and Anderson; Representatives Heavey, Jones and Vance.

#### POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. Engrossed House Bill No. 1352 has a section that doesn't fit, it is entirely new--Section 4--where it says, 'First aid kits shall not be required in motor vehicles.' I would ask the President to rule whether that fits within the scope and object of the bill which is making confidential certain information acquired by the Department of Labor and Industries."

#### RULING BY THE PRESIDENT

President Pritchard: "The President agrees with the point raised by Senator Rasmussen. It is clearly out of the scope and object of the bill."

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "A point of parliamentary information. In this situation, then, may we move to adopt all of the Conference Report with the exception of Section 4?"

#### REPLY BY THE PRESIDENT

President Pritchard: "I'm advised by counsel that the only vote we can take is up or down on the whole thing."

#### MOTION

On motion of Senator Newhouse Engrossed House Bill No. 1352 was returned to the Conference Committee.

Vice President Pro Tempore Bluechel assumed the Chair.

#### REPORT OF CONFERENCE COMMITTEE

**SHB 1452**

April 25, 1991

Includes "NEW ITEM": YES

Creating the high-speed ground transportation steering committee.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1452, High-speed ground transportation committee, have had the same under consideration and we recommend that:

The Senate Transportation Committee amendments adopted 4/18/91 be adopted with the following changes:

On page 1, line 22 of the amendment, after "effort." strike everything through "system." on page 2, line 2

On page 4, line 13 of the amendment, strike all of section 5, renumber the remaining sections consecutively, and correct internal references accordingly

On page 6, line 20 of the amendment, after "act" strike everything through "more" on line 24

On page 6, line 25 of the amendment, after "through" strike "7" and insert "6", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Patterson, Skratek, Nelson; Representatives R. Fisher, G. Fisher, Chandler.

#### MOTION

On motion of Senator Patterson, the Report of the Conference Committee on Substitute House Bill No. 1452 was adopted.

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. 1452, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1452, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senator McMullen - 1.

Excused: Senators Hansen, Jesernig, Matson, Owen, Sellar, Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 1452, as recommended by the 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.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5266,  
SUBSTITUTE SENATE BILL NO. 5301,  
SENATE BILL NO. 5821,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,  
SUBSTITUTE SENATE BILL NO. 5916.

## MESSAGE FROM THE HOUSE

April 26, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5474 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Peery, Jones and Neher.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Senate Bill No. 5474.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5474 and the House amendments thereto: Senators Craswell, Pelz and Erwin.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 26, 1991

MR. PRESIDENT:

The House again refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1885 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Roland and Neher.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 1885.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1885 and the Senate amendments thereto: Senators Craswell, Murray and Oke.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 4:37 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Saturday, April 27, 1991.

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



**ONE HUNDRED-FOURTH DAY**

-----  
**MORNING SESSION**  
 -----

Senate Chamber, Olympia, Saturday, April 27, 1991

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Erwin, Hansen, Patterson and Sellar. On motion of Senator Murray, Senator Hansen was excused. On motion of Senator Anderson, Senators Barr, Erwin, Patterson, and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Gordon Bunker and Chuck Aly, presented the Colors. Reverend John Converse, assistant pastor of the Victory Christian Center of Olympia, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

April 26, 1991

**MR. PRESIDENT:**

The House has adopted the Report of the Conference Committee on **SUBSTITUTE HOUSE BILL NO. 1452** and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

**MR. PRESIDENT:**

On **ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341** and **ENGROSSED SUBSTITUTE SENATE BILL NO. 5555**, Representative Cantwell has been replaced by Representative Belcher.

ALAN THOMPSON, Chief Clerk

April 26, 1991

**MR. PRESIDENT:**

The House has adopted the Report of the Conference Committee on **ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877** and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1954 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5188. The Speaker has appointed the following members as conferees: Representatives Nelson, Leonard and Mitchell.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2141 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 26, 1991

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5526. The Speaker has appointed the following members as conferees: Representatives Heavey, Cole and Fuhrman.

ALAN THOMPSON, Chief Clerk

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9069, Mark C. Endresen, as a member of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF MARK C. ENDRESEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Erwin, Hansen, Patterson, Sellar - 5.

PERSONAL PRIVILEGE

Senator Jesernig: "Mr. President a point of personal privilege. Thank you, Mr. President, and members of the Senate, I am very happy to announce that I am a new father again this morning. Last night my wife had an eight pound, nine ounce baby girl named Brenda. Mother and daughter are doing fine. Thank you very much."

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

MESSAGE FROM THE HOUSE

April 26, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5202 and again asks the Senate for a conference thereon., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5202.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5202 and the House amendments thereto: Senators Nelson, Talmadge and Hayner.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MOTION

At 9:53 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 Pritchard.

## MESSAGE FROM THE HOUSE

April 26, 1991

## MR. PRESIDENT:

The House suspended the rules, returned ENGROSSED SUBSTITUTE SENATE BILL NO. 5184 to second reading, and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state's system of work force training and education is inadequate for meeting the needs of the state's workers, employers, and economy. A growing shortage of skilled workers is already hurting the state's economy. There is a shortage of available workers and too often prospective employees lack the skills and training needed by employers. Moreover, with demographic changes in the state's population employers will need to employ a more culturally diverse work force in the future.

The legislature further finds that the state's current work force training and education system is fragmented among numerous agencies, councils, boards, and committees, with inadequate overall coordination. No comprehensive strategic plan guides the different parts of the system. There is no single point of leadership and responsibility. There is insufficient guidance from employers and workers built into the system to ensure that the system is responsive to the needs of its customers. Adult work force education lacks a uniform system of governance, with an inefficient division in governance between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our educational institutions are

not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our institutions of education place appropriate emphasis on the needs of employers and on the needs of the approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

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

(1) "Board" means the work force training and education coordinating board.

(2) "Director" means the director of the work force training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

NEW SECTION. Sec. 3. (1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of

the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists

compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

**NEW SECTION. Sec. 4.** The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board.

**NEW SECTION. Sec. 5.** (1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to the code of ethics contained in chapter 42.18 RCW.

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

**NEW SECTION. Sec. 6.** (1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

**NEW SECTION. Sec. 7.** The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state

comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.



(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 8.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board for vocational education shall be delivered to the custody of the work force training and education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board for vocational education shall be made available to the work force training and education coordinating board. All funds, credits, or other assets held by the state board for vocational education shall be assigned to the work force training and education coordinating board.

Any appropriations made to the state board for vocational education shall, on the effective date of this section, be transferred and credited to the work force training and education coordinating board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 9.** All employees of the state board for vocational education who are classified under chapter 41.06 RCW, the state civil service law, are assigned to the work force training and education coordinating board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION. Sec. 10.** All rules and all pending business before the state board for vocational education shall be continued and acted upon by the work force training and education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the work force training and education coordinating board.

**NEW SECTION. Sec. 11.** The transfer of the powers, duties, functions, and personnel of the state board for vocational education shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 12.** If apportionments of budgeted funds are required because of the transfers directed by sections 8 through 11 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 13.** Nothing contained in sections 8 through 12 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 14.** (1) There is hereby created the Washington state job training coordinating council for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 7 of this act.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**NEW SECTION. Sec. 15.** (1) Current members of the Washington state job training coordinating council appointed pursuant to P.L. 97-300, as amended, shall serve as the state council for purposes of this chapter until new appointments are made consistent with this section.

(2) New appointments to the state council shall be made by July 1, 1991. Members of the Washington state job training council shall be appointed by the governor as required by federal law and shall be representative of the population of the state with regard to sex, race, ethnic background, and geographical distribution. To the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the work force training and education coordinating board. One voting member of the council shall be a representative of the administrators for the service delivery areas established under P.L. 97-300. One voting member of the council shall be a representative of the private industry councils established under P.L. 97-300.

(3) The Washington state job training coordinating council shall provide staff and allocate funds to the work force training and education coordinating board, as appropriate, to carry out the overlapping functions of the two bodies.

**NEW SECTION. Sec. 16.** (1) There is hereby created the Washington state council on vocational education for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council on vocational education shall perform all duties of councils on vocational education as specified in P.L. 101-392, as amended.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**NEW SECTION. Sec. 17.** Current members of the Washington state council on vocational education appointed pursuant to P.L. 98-524, as amended, shall serve as the state council on vocational education for purposes of this chapter until new appointments are made consistent with this section. New appointments to the state council on vocational education shall be made by July 1, 1991. The council on vocational education shall consist of thirteen members appointed by the governor consistent with the provisions of P.L. 101-392, as amended. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council.

**NEW SECTION. Sec. 18.** The council on vocational education shall perform its functions consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 7 of this act.

**NEW SECTION. Sec. 19.** (1) There is hereby created the Washington advisory council on adult education. The advisory council shall advise the state board for community and technical colleges and the work force training and education coordinating board concerning adult basic education and literacy programs. The advisory council shall perform all duties of state advisory councils on adult education as specified in P.L. 100-297, as amended. The advisory council's actions shall be consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 7 of this act.

(2) The advisory council on adult education shall consist of nine members as required by federal law, appointed by the governor. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council, and the governor shall give consideration to individuals with expertise and experience in adult basic education.

(3) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

**Sec. 20.** RCW 28B.50.010 and 1969 ex.s. c 223 s 28B.50.010 are each amended to read as follows:

This chapter shall be known as and may be cited as the community and technical college act of (~~1967~~) 1991.

**Sec. 21.** RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each ~~((community))~~ college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining ~~((, with equal emphasis,))~~ high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, college districts containing only technical colleges shall maintain programs solely for occupational education, basic skills, and literacy purposes, and, for as long as a need exists, may continue those programs, activities, and services offered by the technical colleges during the twelve-month period preceding the effective date of this section;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive work force;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

~~((4))~~ (6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

~~((5))~~ (7) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 22. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education~~((;))~~;

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges ~~((education))~~ created by this chapter~~((;))~~;

~~((3))~~ (4) "Director" shall mean the administrative director for the state system of community and technical colleges~~((;))~~;

~~((4))~~ (5) "District" shall mean any one of the community and technical college districts created by this chapter~~((;))~~;

~~((5))~~ (6) "Board of trustees" shall mean the local community and technical college board of trustees established for each ~~((community))~~ college district within the state~~((;))~~;

~~((6)) "Council" shall mean the coordinating council for occupational education;))~~

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree~~((;))~~;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade~~((;))~~;

(9) "Common school board" shall mean a public school district board of directors~~((;))~~;

(10) "Community college" shall include ~~((where applicable, vocational technical and adult))~~ those higher education institutions that conduct education programs ~~((conducted by community colleges and vocational technical institutes whose major emphasis is in post high school education;))~~ under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate(=PROVIDED, That)). However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate(=PROVIDED, FURTHER, That)), nor shall "adult education" ((shall not)) include education or instruction provided by any four year public institution of higher education(=AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational technical institute)).

Sec. 23. RCW 28B.50.040 and 1988 c 77 s 1 are each amended to read as follows:

The state of Washington is hereby divided into ~~((twenty-four community))~~ twenty-nine college districts as follows:

- (1) The first district shall encompass the counties of Clallam and Jefferson;
- (2) The second district shall encompass the counties of Grays Harbor and Pacific;
- (3) The third district shall encompass the counties of Kitsap and Mason;
- (4) The fourth district shall encompass the counties of San Juan, Skagit and Island;
- (5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;
- (6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;
- (7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;
- (8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;
- (9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;
- (10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;
- (11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;
- (12) The twelfth district shall encompass Lewis county, the Rochester common school district No. 401, the Tenino common school district No. 402 of Thurston county, and the Thurston county portion of the Centralia common school district No. 401;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;

(23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community and technical colleges (~~(education)~~) shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College; (~~and~~)

(24) The twenty-fourth district shall encompass all of Thurston county except the Rochester common school district No. 401, the Tenino common school district No. 402, and the Thurston county portion of the Centralia common school district No. 401;

(25) The twenty-fifth district shall encompass all of Whatcom county;

(26) The twenty-sixth district shall encompass the Northshore, Lake Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie Valley and Skykomish school districts;

(27) The twenty-seventh district shall encompass the Renton, Kent, Auburn, Tahoma, and Enumclaw school districts and a portion of the Seattle school district described as follows: Commencing at a point established by the intersection of the Duwamish river and the south boundary of the Seattle Community College District (number six) and thence north along the centerline of the Duwamish river to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington; thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District; and thence west along the south line of the Seattle Community College District to the point of beginning;

(28) The twenty-eighth district shall encompass all of Pierce county; and

(29) The twenty-ninth district shall encompass all of Pierce county.

**NEW SECTION. Sec. 24.** There is hereby created a board of trustees for district twenty-six and Lake Washington Vocational-Technical Institute, hereafter known as Lake Washington Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

**NEW SECTION. Sec. 25.** There is hereby created a board of trustees for district twenty-seven and Renton Vocational-Technical Institute, hereafter known as Renton Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 26. There is hereby created a board of trustees for district twenty-five and Bellingham Vocational-Technical Institute, hereafter known as Bellingham Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 27. There is hereby created a new board of trustees for district twenty-eight and Bates Vocational-Technical Institute, hereafter known as Bates Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 28. There is hereby created a new board of trustees for district twenty-nine and Clover Park Vocational-Technical Institute, hereafter known as Clover Park Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 29. By December 1, 1996, the state board shall complete a report evaluating successes and difficulties associated with the merger of the technical and community colleges into one system. The evaluation shall include but need not be limited to consideration of all local governance models for technical colleges. The state board shall provide the report, and any recommendations, including recommendations for revisions to local governance models, to the governor, the house and senate committees on higher education, and the work force training and education coordinating board.

Sec. 30. RCW 28B.50.050 and 1988 c 76 s 1 are each amended to read as follows:

There is hereby created the "state board for community ((college education)) and technical colleges", to consist of ((eight)) nine members((~~one from each congressional district, as now or hereafter existing~~)) who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At least two members shall reside east of the Cascade mountains. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. The current members of the state board for community college education on the effective date of this section shall serve on the state board for community and technical colleges until their terms expire. Successors to these members shall be appointed according to the terms of this section. A ninth member shall be appointed by the effective date of this section for a complete term.

The successors of the members initially appointed shall be appointed for terms of four years except that ~~((any))~~ a person(s) appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

~~((The board shall not be deemed unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.))~~

Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day actually spent in attending to the duties as a member of the college board.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

Sec. 31. RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75 are each amended to read as follows:

A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. ~~((He))~~ The director shall be appointed with due regard to ~~((his))~~ the applicant's fitness and background in education, ~~((by his))~~ and knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of his or her office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

~~((He))~~ The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred ~~((by him))~~ in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

~~((He))~~ The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. ~~((He))~~ The director shall attend, but not vote at, all meetings of the college board. ~~((He))~~ The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, ~~((he))~~ the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at ~~((his))~~ the director's pleasure on such terms and conditions as ~~((he))~~ the director determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

**Sec. 32.** RCW 28B.50.085 and 1981 c 246 s 4 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ shall appoint a treasurer who shall be the financial officer of the board, who shall make such vendor payments and salary payments for the entire community and technical college system as authorized by the state board, and who shall hold office during the pleasure of the board. All moneys received by the state board and not required to be deposited elsewhere, shall be deposited in a depository selected by the board, which moneys shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the state board shall conform to the collateral requirements required for the deposit of other state funds. Disbursement shall be made by check signed by the treasurer. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her and shall give bond for the faithful performance of the duties of his or her office in such amount as the board requires: PROVIDED, That the board shall pay the fee for any such bonds.

**Sec. 33.** RCW 28B.50.090 and 1982 c 50 s 1 are each amended to read as follows:



The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the (~~community college~~) boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090(~~the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs~~);

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the (~~community~~) college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each (~~community~~) college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining (~~with equal emphasis~~) high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education (~~PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district~~), including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(b) That each (~~community~~) college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of (~~his~~) the student's residence or because of (~~his~~) the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, (~~he~~) the student would not be competent to profit from the curriculum offerings of the (~~community~~) college, or would, by his or her presence or conduct, create a disruptive atmosphere within the (~~community~~) college not consistent with the purposes of the institution. This subsection (b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate (~~community~~) college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various ((community)) college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a ((community)) college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges ((education)) appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges ((education)) as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof((-);

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the

establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

**Sec. 34.** RCW 28B.50.092 and 1977 ex.s. c 131 s 1 are each amended to read as follows:

The state board for community and technical colleges (~~(education)~~) may authorize any (~~(community college)~~) board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel and their dependents, and department of defense civilians and their dependents, at any geographical location: PROVIDED, That such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section.

**Sec. 35.** RCW 28B.50.093 and 1973 c 105 s 2 are each amended to read as follows:

Prior to the state board granting authorization for any programs authorized under RCW 28B.50.092, the state board shall determine that such authorization will not deter from the primary functions of the community and technical college system within the state of Washington as prescribed by chapter 28B.50 RCW.

**Sec. 36.** RCW 28B.50.095 and 1983 c 3 s 40 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community and technical college, provided that such student shall pay tuition and fees as if (~~(he)~~) the student were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW 28B.15.502.

**Sec. 37.** RCW 28B.50.100 and 1987 c 330 s 1001 are each amended to read as follows:

There is hereby created a (~~(community college)~~) board of trustees for each (~~(community)~~) college district as set forth in this chapter. Each (~~(community college)~~) board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical (~~(exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups)~~) diversity, and representing labor, business, women, and racial and ethnic minorities, in the membership of the boards of trustees. The boards of trustees for districts containing technical colleges shall include at least one member from business and one member from labor.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the (~~(community)~~) college district. No trustee may be an employee of the community and technical college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and

regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the ((community)) college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

**Sec. 38.** RCW 28B.50.130 and 1977 c 75 s 27 are each amended to read as follows:

Within thirty days of their appointment ((or July 1, 1967, whichever is sooner,)) the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a ((chairman and a vice chairman)) chair and vice-chair, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the ((community)) college district, or ((his)) designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit such reports to the college board as may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

**Sec. 39.** RCW 28B.50.140 and 1990 c 135 s 1 are each amended to read as follows:

Each ((community college)) board of trustees:

(1) Shall operate all existing community and technical colleges ((and vocational-technical institutes)) in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college ((district,)) and ((where applicable community college)), may appoint a president((s-within)) for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges ((education)). The state board for community and technical colleges ((education)) shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of ((community college)) boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5);

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the (~~community college~~) district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. Technical colleges shall offer only nonbaccalaureate technical degrees, certificates, or diplomas for occupational courses of study under rules of the college board. Technical colleges in districts twenty-eight and twenty-nine may offer nonbaccalaureate associate of technical or applied arts degrees only in conjunction with a community college the district of which overlaps with the district of the technical college, and these degrees may only be offered after a contract or agreement is executed between the technical college and the community college. The authority and responsibility to offer transfer level academic support and general education for students of districts twenty-one and twenty-five shall reside exclusively with Whatcom Community College;

(13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges (~~education~~) for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state

board for community and technical colleges (~~(education)~~) as the board of trustees may in its discretion deem necessary or appropriate to the administration of (~~(community)~~) college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges (~~(education)~~): PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges (~~(education)~~) and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

**Sec. 40.** RCW 28B.50.142 and 1977 ex.s. c 331 s 1 are each amended to read as follows:

Each board of (~~(community college)~~) trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of RCW 28B.50.143, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective community and technical colleges shall pay the fees for any such bonds.

**Sec. 41.** RCW 28B.50.143 and 1985 c 180 s 1 are each amended to read as follows:

In order that each (~~community~~) college treasurer appointed in accordance with RCW 28B.50.142 may make vendor payments, the state treasurer will honor warrants drawn by each community and technical college providing for one initial advance (~~on September 1, 1977, of the current biennium and~~) on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each (~~community~~) college treasurer in accordance with chapter 43.83 RCW: PROVIDED, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

**Sec. 42.** RCW 28B.50.145 and 1969 ex.s. c 283 s 51 are each amended to read as follows:

The boards of trustees of the various (~~community~~) college districts (~~are hereby directed to~~) may create (~~no later than January 1, 1970~~) at each community or technical college (~~or vocational technical institute~~) under their control a faculty senate or similar organization to be selected by periodic vote of the respective faculties thereof.

**Sec. 43.** RCW 28B.50.150 and 1969 ex.s. c 223 s 28B.50.150 are each amended to read as follows:

Any resident of the state may enroll in any program or course maintained or conducted by a (~~community~~) college district upon the same terms and conditions regardless of the district of his or her residence.

**Sec. 44.** RCW 28B.50.205 and 1988 c 206 s 502 are each amended to read as follows:

The state board for community and technical colleges (~~education~~) shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

**Sec. 45.** RCW 28B.50.242 and 1990 c 208 s 10 are each amended to read as follows:

The state board for community and technical colleges (~~education~~) shall provide state-wide coordination of video telecommunications programming for the community and technical college system.

**Sec. 46.** RCW 28B.50.250 and 1969 ex.s. c 261 s 25 are each amended to read as follows:

The state board for community and technical colleges (~~education~~) and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28B.50.530 a program in adult education in behalf of a (~~community~~) college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the (~~community~~) college districts: PROVIDED, That federal programs for adult education (~~which are funded directly to the state board of education~~) shall be administered by the (~~superintendent of public instruction in cooperation with the director of the~~) state board for community and technical colleges (~~education~~), which agency is hereby declared to be the state educational agency primarily responsible for supervision of adult education in the public schools as defined by RCW 28B.50.020.

**Sec. 47.** RCW 28B.50.320 and 1971 ex.s. c 279 s 17 are each amended to read as follows:

All operating fees, services and activities fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the ((community)) college or ((his)) the president's designee appointed in writing, and such other person as may be designated by the board of trustees of the ((community)) college district. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

**Sec. 48.** RCW 28B.50.330 and 1979 ex.s. c 12 s 2 are each amended to read as follows:

The boards of trustees of ((community)) college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ((five)) fifteen thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any ((community)) college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and ((39.04.090)) 39.04.070 shall be inapplicable.

**Sec. 49.** RCW 28B.50.340 and 1985 c 390 s 54 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the ((community)) college ((state)) board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the ((community college)) state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400.

**Sec. 50.** RCW 28B.50.350 and 1985 c 390 s 55 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents



necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute:

- (a) An obligation, either general or special, of the state; or
- (b) A general obligation of the college or of the college board;

(2) Shall be:

- (a) Either registered or in coupon form; and
- (b) Issued in denominations of not less than one hundred dollars; and
- (c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state:

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in subsection (8)(b) ((above)) of this section;

(9) Shall constitute a prior lien and charge against the building fees of the community and technical colleges.

**Sec. 51.** RCW 28B.50.360 and 1985 c 390 s 56 are each amended to read as follows:

There is hereby created in the state treasury a community and technical college bond retirement fund. Within thirty-five days from the date of start of each quarter

all building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) ~~((above))~~ of this section shall be deposited in the community and technical college capital projects account which account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges ~~((education))~~ in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. All earnings of investments of balances in the ~~((community college))~~ capital projects account shall be credited to the general fund.

(3) Notwithstanding the provisions of subsections (1) and (2) ~~((above))~~ of this section, at such time as all outstanding building bonds of the college board payable from the community and technical college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the ~~((community college))~~ bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community and technical colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community and technical college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such ~~((community))~~ college building bonds from some source other than the community and technical college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

Sec. 52. RCW 28B.50.370 and 1985 c 390 s 57 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the ~~((state))~~ college board ~~((for community college education))~~, the following:

(1) Amounts derived from building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

**Sec. 53.** RCW 28B.50.402 and 1977 ex.s. c 223 s 2 are each amended to read as follows:

Notwithstanding anything to the contrary contained in RCW 28B.50.360(1) and (2) and in RCW 28B.50.370, all moneys on deposit on or before June 30, 1977, in the community and technical college bond retirement fund, shall be transferred by the state treasurer to the state general fund, except for those moneys appropriated by section 17, chapter 1, Laws of 1977.

**Sec. 54.** RCW 28B.50.404 and 1985 c 390 s 60 are each amended to read as follows:

Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403 through 28B.50.407, such general obligation refunding bonds shall be issued and the refunding of said community and technical college building bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

**Sec. 55.** RCW 28B.50.405 and 1974 ex.s. c 112 s 3 are each amended to read as follows:

There is hereby created in the state treasury the community and technical college refunding bond retirement fund of 1974, which fund shall be exclusively devoted to the payment of the principal of and interest on the refunding bonds authorized by RCW 28B.50.360 and 28B.50.403 through 28B.50.407.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to pay the principal of and interest on such bonds. On July 1st of each year the state treasurer shall deposit such amount in the (~~community college~~) refunding bond retirement fund of 1974 from any general state revenues received in the state treasury.

**Sec. 56.** RCW 28B.50.409 and 1974 ex.s. c 112 s 7 are each amended to read as follows:

All bonds issued after February 16, 1974 by the college board or any (~~community college~~) board of trustees for any (~~community~~) college district under provisions of chapter 28B.50 RCW, as now or hereafter amended, shall be issued by such boards only upon the prior advice and consent of the state finance committee.

**Sec. 57.** RCW 28B.50.520 and 1969 ex.s. c 223 s 28B.50.520 are each amended to read as follows:

The (~~state~~) college board (~~(for community college education)~~) or any (~~community college~~) board of trustees is authorized to receive federal funds made available for the assistance of community and technical colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available.

**Sec. 58.** RCW 28B.50.535 and 1969 ex.s. c 261 s 30 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules and regulations promulgated by the superintendent of public instruction and the state board of education.

**Sec. 59.** RCW 28B.50.551 and 1980 c 182 s 3 are each amended to read as follows:

The board of trustees of each ((community)) college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment for full time employees, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by ((community)) college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by ((community)) college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one ((community)) college district or community and technical college to another, to the ((state)) college board ((for community college education)), to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; ((and))

(6) Leave accumulated by a person in a ((community)) college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

**Sec. 60.** RCW 28B.50.600 and 1969 ex.s. c 223 s 28B.50.600 are each amended to read as follows:

Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the ((community)) college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

**Sec. 61.** RCW 28B.50.740 and 1969 ex.s. c 223 s 28B.50.740 are each amended to read as follows:

Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community and technical college facilities shall not be considered

as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: PROVIDED, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula.

**Sec. 62.** RCW 28B.50.835 and 1990 c 29 s 1 are each amended to read as follows:

The legislature recognizes that quality in the state's community and technical colleges would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public community and technical colleges in creating endowments for funding exceptional faculty awards.

**Sec. 63.** RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the ((state)) college board ((for community college education)). The ((community)) college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the ((community)) college faculty awards trust fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund. At the request of the ((state)) college board ((for community college education)), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

**Sec. 64.** RCW 28B.50.839 and 1990 c 29 s 3 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the ((state)) college board ((for community college education)) shall set priorities and guidelines for the program.

(2) Under this section, a ((community)) college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.

(3) All community and technical colleges shall be eligible for matching trust funds. Institutions may apply to the ((state)) college board ((for community college education)) for grants from the fund in twenty-five thousand dollar increments up to a maximum of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college may receive more than one grant until every college has received one grant. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution in a local endowment fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution.

(4) Once sufficient private donations are received by the institution, the institution shall inform the ((state)) college board ((for community college education)) and request state matching funds. The ((state)) college board ((for community college education)) shall evaluate the request for state matching funds based on program priorities and guidelines. The ((state)) college board ((for community college education)) may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for each faculty award created.

**Sec. 65.** RCW 28B.50.841 and 1990 c 29 s 4 are each amended to read as follows:

(1) The faculty awards are the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution. The institution shall designate the use of the award. The designation shall be made or renewed annually.

(2) The institution is responsible for soliciting private donations, investing and maintaining its endowment funds, administering the faculty awards, and reporting on the program to the governor, the ~~((state))~~ college board ~~((for community college education))~~, and the legislature, upon request. The institution may augment its endowment fund with additional unrestricted private donations. The principal of the invested endowment fund shall not be invaded.

(3) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to supplement the salary of the holder or holders of a faculty award; or to pay expenses associated with the holder's program area. Funds from this program shall not be used to supplant existing faculty development funds.

**Sec. 66.** RCW 28B.50.843 and 1990 c 29 s 5 are each amended to read as follows:

The process for determining local awards shall be subject to collective bargaining. Decisions regarding the amounts of individual awards and who receives them shall not be subject to collective bargaining and shall be subject to approval of the applicable ~~((community college))~~ board of trustees.

**Sec. 67.** RCW 28B.50.850 and 1969 ex.s. c 283 s 32 are each amended to read as follows:

It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community and technical colleges. RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

**Sec. 68.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2)(a) "Faculty appointment", except as otherwise provided in ~~((subsection (2))~~(b) ~~((below))~~ of this subsection, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in ~~((subsection (2))~~(a) of this subsection, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the ~~((state))~~ college board ~~((for community college education))~~; PROVIDED, That such "special funds" so designated by the ~~((state))~~ college board for purposes of this section shall apply only to teachers, counselors and

librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2)(a) of this section who have been subsequently transferred to positions financed from "special funds" pursuant to (~~subsection (2)~~) (b) of this subsection and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2)(a) of this section depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a (~~community~~) college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community or technical college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers.

**Sec. 69.** RCW 28B.50.867 and 1969 ex.s. c 283 s 43 are each amended to read as follows:

Upon transfer of employment from one community or technical college to another community or technical college within a district, a tenured faculty member shall have the right to retain tenure and the rights accruing thereto which he or she had in his or her previous employment: PROVIDED, That upon permanent transfer of employment to another (~~community~~) college district a tenured faculty member shall not have the right to retain his tenure or any of the rights accruing thereto.

**Sec. 70.** RCW 28B.50.869 and 1974 ex.s. c 33 s 2 are each amended to read as follows:

The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community or technical college in such manner as the members thereof shall determine.

**Sec. 71.** RCW 28B.50.870 and 1977 ex.s. c 282 s 1 are each amended to read as follows:

The district board of trustees of any (~~community~~) college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more (~~community~~) college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment

in such curricular program and for as long as the program continues to be funded in such manner, utilizing the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: PROVIDED, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the ((community)) college district: PROVIDED FURTHER, That faculty members who have completed one year or more of satisfactory full time service in such program shall be credited with such service for the purposes of this section: PROVIDED, FURTHER, That provisions relating to tenure for faculty under the provisions of this section shall be distinct from provisions relating to tenure for other faculty of the ((community)) college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: AND PROVIDED FURTHER, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a ((community)) college district.

**Sec. 72.** RCW 28B.50.873 and 1990 c 33 s 559 are each amended to read as follows:

The ((state)) college board ((for community college education)) may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be, within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

The hearing required by this section shall be an adjudicative proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure Act, conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare



findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.405.310(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community or technical college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or any conflicting board policies or rules, so that any reductions in force which take place after December 21, 1981, whether in progress or to be initiated, will comply solely with the provisions of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining agreement related to lay-off units, seniority and re-employment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857.

**Sec. 73.** RCW 28B.50.875 and 1969 ex.s. c 261 s 35 are each amended to read as follows:

Local law enforcement agencies or such other public agencies that shall be in need of such service may contract with any community or technical college for laboratory services for the analyzing of samples that chemists associated with such ((community)) colleges may be able to perform under such terms and conditions as the individual ((community)) college may determine.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

**Sec. 74.** RCW 15.76.120 and 1961 c 61 s 3 are each amended to read as follows:

For the purposes of this chapter all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:

(1) "Area fairs"--those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;

(2) "County and district fairs"--organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county

commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may be but one county fair in a single county: PROVIDED, HOWEVER, That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.

(3) "Community fairs"--organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.

(4) "Youth shows and fairs"--approved by duly constituted agents of Washington State University and/or the Washington ~~((state board for vocational education))~~ work force training and education coordinating board, serving three or more counties, and having for their purpose the education and training of rural youth in matters of rural living.

**Sec. 75.** RCW 28A.305.270 and 1989 c 146 s 2 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the state board of education. The state board of education shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges ((education)), the department of employment security, and the ~~((state board of vocational education within the office of the governor))~~ work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the state board of education, and local school districts in working toward the goals of the program.

**NEW SECTION. Sec. 76.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

**NEW SECTION. Sec. 77.** (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

- (a) Participate in the determination of program goals;
- (b) Review and evaluate program curricula, equipment, and effectiveness;
- (c) Include representatives of business and labor who reflect the local industry, and the community; and
- (d) Actively consult with other representatives of business, industry, labor, and agriculture.

NEW SECTION. Sec. 78. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 7 of this act and shall provide information and data in a format that is accessible to the board.

NEW SECTION. Sec. 79. The college board shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 7 of this act and shall provide information and data in a format that is accessible to the board.

NEW SECTION. Sec. 80. A new section is added to chapter 50.12 RCW to read as follows:

The commissioner shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 7 of this act and shall provide information and data in a format that is accessible to the board.

Sec. 81. RCW 28C.10.020 and 1990 c 188 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the (~~state board for vocational education~~) work force training and education coordinating board or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where [there is] an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are

offered or granted to residents of this state, and includes contracting for the performance of any such act.

**NEW SECTION. Sec. 82.** Community and technical colleges may contract with local common school districts to provide occupational and academic programs for high school students. Common school districts whose students currently attend vocational-technical institutes shall not suffer loss of opportunity to continue to enroll their students at technical colleges.

For the purposes of this section, "opportunity to enroll" includes, but is not limited to, the opportunity of common school districts to enroll the same number of high school students enrolled at each vocational-technical institute during the period July 1, 1989, through June 30, 1990, and the opportunity for common school districts to increase enrollments of high school students at each technical college in proportion to annual increases in enrollment within the school districts participating on the effective date of this section. Technical colleges shall offer programs which are accessible to high school students to at least the extent that existed during the period July 1, 1989, through June 30, 1990, and to the extent necessary to accommodate proportional annual growth in enrollments of high school students within school districts participating on the effective date of this section. Accommodating such annual increases in enrollment or program offerings shall be the first priority within technical colleges subject to any enrollment or budgetary restrictions. Technical colleges shall not charge tuition or student services and activities fees to high school students enrolled in the college.

Technical colleges may enter into interlocal agreements with local school districts to provide instruction in courses required for high school graduation, basic skills, and literacy training for students enrolled in technical college programs.

**NEW SECTION. Sec. 83.** When the state system of community and technical colleges assumes administrative control of the vocational-technical institutes, personnel employed by the vocational-technical institutes shall:

(1) Suffer no reduction in compensation, benefits, seniority, or employment status. After the effective date of this section, classified employees shall continue to be covered by chapter 41.56 RCW and faculty members and administrators shall be covered by chapter 28B.50 RCW;

(2) To the extent applicable to faculty members, any faculty currently employed on a "continuing contract" basis under RCW 28A.405.210 be awarded tenure pursuant to RCW 28B.50.851 through 28B.50.873, except for any faculty members who are provisional employees under RCW 28A.405.220;

(3) Be eligible to participate in the health care and other insurance plans provided by the health care authority and the state employee benefits board pursuant to chapter 41.05 RCW;

(4) Be eligible to participate in old age annuities or retirement income plans under the rules of the state board for community and technical colleges pursuant to RCW 28B.10.400 or the teachers' retirement system plan I for personnel employed before July 1, 1977, or plan II for personnel employed after July 1, 1977, under chapter 41.32 RCW; however, no affected vocational-technical institute employee shall be required to choose from among any available retirement plan options prior to six months after the effective date of this section;

(5) Have transferred to their new administrative college district all accrued sick and vacation leave and thereafter shall earn and use all such leave under the rule established pursuant to RCW 28B.50.551;

(6) Be eligible to participate in the deferred compensation plan pursuant to RCW 41.04.250 and the dependent care program pursuant to RCW 41.04.600 under the rules established by the state deferred compensation committee.

An exclusive bargaining representative certified to represent a bargaining unit covering employees of a vocational technical institute on the effective date of this

section shall remain the exclusive representative of such employees thereafter until and unless such representative is replaced or decertified in accordance with state law.

Any collective bargaining agreement in effect on June 30, 1991, shall remain in effect as it applies to employees of vocational technical institutes until its expiration or renewal date or until renegotiated or renewed in accordance with chapter 28B.52 or 41.56 RCW. After the expiration date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement, as it applies to employees of vocational-technical institutes, shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. The board of trustees and the employees may mutually agree to continue the terms and conditions of the agreement beyond the one year extension. However, nothing in this section shall be construed to deny any employee right granted under chapter 28B.52 or 41.56 RCW. Labor relations processes and agreements covering faculty members of vocational technical institutes after the effective date of this section shall be governed by chapter 28B.52 RCW. Labor relations processes and agreements covering classified employees of vocational technical institutes after the effective date of this section shall continue to be governed by chapter 41.56 RCW.

**NEW SECTION.** Sec. 84. Notwithstanding the provisions of chapter 28B.15 RCW, technical colleges and the Seattle Vocational Institute may continue to collect student tuition and fees per their standard operating procedures in effect on the effective date of this section. The applicability of existing community college rules and statutes pursuant to chapter 28B.15 RCW regarding tuition and fees shall be determined by the state board for community and technical colleges within two years of the effective date of this section.

**NEW SECTION.** Sec. 85. All powers, duties, and functions of the superintendent of public instruction and the state board of education pertaining to projects of adult education, including the state-funded Even Start and including the adult education programs operated pursuant to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction or the state board of education in the Revised Code of Washington shall be construed to mean the director or the state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION.** Sec. 86. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

The superintendent or designee, and the director of the state board shall work out a mutually agreeable schedule to accomplish this transfer by no later than July 1, 1991.

**NEW SECTION. Sec. 87.** All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

**NEW SECTION. Sec. 88.** All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 89.** The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 90.** If apportionments of budgeted funds are required because of the transfers directed by sections 86 through 89 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 91.** Nothing contained in sections 86 through 90 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 92.** The college board personnel administering state and federally funded programs for adult basic skills and literacy education shall be known as the state office for adult literacy.

**NEW SECTION. Sec. 93.** The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington.

Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained work force is a major factor in attracting new employers, and with greater minority participation in the work force, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers.

**NEW SECTION. Sec. 94.** The public nonprofit corporation for the Washington institute for applied technology is hereby abolished and its powers, duties, and functions are hereby transferred to the sixth college district. The Washington institute for applied technology shall be renamed the Seattle Vocational Institute. The Seattle Vocational Institute shall become a fourth unit of the sixth college district. All references to the

director or public nonprofit corporation for the Washington institute for applied technology in the Revised Code of Washington shall be construed to mean the director of the Seattle Vocational Institute.

**NEW SECTION. Sec. 95.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public nonprofit corporation for the Washington institute for applied technology shall be delivered to the custody of the sixth college district. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public nonprofit corporation for the Washington institute for applied technology shall be made available to the sixth college district for the use of the Seattle Vocational Institute. All funds, credits, or other assets held by the public nonprofit corporation for the Washington institute for applied technology shall be assigned to the sixth college district for the use of the institute.

Any appropriations made to the public nonprofit corporation for the Washington institute for applied technology shall, on the effective date of this section, be transferred and credited to the sixth college district.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 96.** All contractual obligations, rules, and all pending business before the public nonprofit corporation for the Washington institute for applied technology shall be continued and acted upon by the sixth college district. All existing contracts and obligations shall remain in full force and shall be performed by the sixth college district.

**NEW SECTION. Sec. 97.** All employees of the Washington institute for applied technology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Seattle Vocational Institute. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Seattle Vocational Institute to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION. Sec. 98.** The transfer of the powers, duties, functions, and personnel of the public nonprofit corporation for the Washington institute for applied technology shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 99.** If apportionments of budgeted funds are required because of the transfers directed by sections 95 through 98 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 100.** The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The mission shall be achieved primarily through open-entry, open-exit, short-term, competency-based basic skill, and job training programs targeted primarily to adults. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration.

**NEW SECTION. Sec. 101.** Funding for the institute shall be included in a separate allocation to the sixth college district, and funds allocated for the institute shall be used only for purposes of the institute.

**NEW SECTION.** Sec. 102. The sixth college district shall conduct a survey of the capital facilities and equipment necessary to operate the program at the institute. The district shall present the survey to the state board for community and technical colleges by December 1, 1991. The board shall include the survey in its budget request to the legislature which shall consider a supplementary appropriation for the 1992-93 fiscal year to the sixth college district based on the results of this survey.

**NEW SECTION.** Sec. 103. The district may provide for waivers of tuition and fees and provide scholarships for students at the institute. The district may negotiate with applicable public or private service providers to conduct the instructional activities of the institute. The district may employ instructional staff or faculty. The district may also contract with private individuals for instructional services. Until at least July 1, 1993, all faculty and staff serve at the pleasure of the district. In order to allow the district flexibility in its personnel policies with the institute, the district and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure).

**NEW SECTION.** Sec. 104. A new section is added to chapter 41.06 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 105. A new section is added to chapter 41.05 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 106. A new section is added to chapter 41.04 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 107. A new section is added to chapter 28B.16 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 108. A new section is added to chapter 41.40 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 109. A new section is added to chapter 28B.52 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

**NEW SECTION.** Sec. 110. A new section is added to chapter 43.01 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from RCW 43.01.040 through 43.01.044 until July 1, 1993.

**NEW SECTION.** Sec. 111. Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the state board for community and technical colleges and its local community and technical colleges.

**NEW SECTION.** Sec. 112. A new section is added to chapter 41.56 RCW to read as follows:



In addition to the entities listed in RCW 41.56.020, this chapter shall apply to classified employees of technical colleges as provided for in section 83 of this act.

**Sec. 113.** RCW 28B.10.016 and 1977 ex.s. c 169 s 1 are each amended to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, ~~((and))~~ the community colleges, and the technical colleges.

**NEW SECTION. Sec. 114.** There is hereby established the task force on technical colleges appointed by the governor. The task force shall be chaired by the director of the state board for community and technical colleges. The task force shall consist of representatives of the state board for community and technical colleges, community colleges, and the directors of the vocational-technical institutes. The purpose of the task force shall be to reach agreement on transitional issues posed by the bringing together of technical colleges and community colleges. The areas of agreement shall include the district boundaries and service areas not specified on the effective date of this section, for technical colleges that are not specified on the effective date of this section and such other matters as are assigned to the task force by chapter ---, Laws of 1991 (this act). The director of the state board shall convene the task force within thirty days after the appointment of the members. The task force shall report on its final recommendations to the college board and the governor by December 1, 1991. Those issues remaining in dispute shall be settled by the governor or the governor's designee.

**NEW SECTION. Sec. 115.** Title to or all interest in real estate, choses in action and all other assets, and liabilities including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institutes purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted for postsecondary vocational educational purposes, or used or obtained primarily for vocational-technical institute educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the district board. Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section, for vocational-technical institute purposes shall remain with and continue to be, after February 2, 1992, an asset of the school district. Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes. Unexpended funds of a common school district derived from the sale, before the effective date of this section, of bonds authorized for any purpose which includes vocational-technical institute purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

**NEW SECTION. Sec. 116.** All powers, duties, and functions of the school district pertaining to a vocational-technical institute are transferred to the state board for community and technical colleges until the establishment of local boards of trustees with authority for the technical college. All references to the director or school district in the Revised Code of Washington shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION. Sec. 117.** All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the school district pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the school district in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the school district for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 118.** All employees of the school district engaged in performing the powers, functions, and duties transferred are temporarily transferred to the jurisdiction of the state board for community and technical colleges. The transfer of employees to the state board for community and technical colleges shall not constitute termination of employment or reductions in force by the school districts and shall be excluded from the requirements of RCW 28A.405.210 through 28A.405.240 and 28A.405.300 through 28A.405.380. Until the local board of trustees assumes control of the college, all classified employees are assigned to the jurisdiction of the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with chapter 41.56 RCW.

**NEW SECTION. Sec. 119.** All rules and all pending business before the school district pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 120.** The transfer of the powers, duties, functions, and personnel of the school district shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 121.** If apportionments of budgeted funds are required because of the transfers directed by sections 117 through 120 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 122.** All powers, duties, and functions of the superintendent of public instruction pertaining to vocational-technical institutes are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction in the Revised Code of Washington

shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

**NEW SECTION. Sec. 123.** All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 124.** All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

**NEW SECTION. Sec. 125.** All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

**NEW SECTION. Sec. 126.** The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 127.** If apportionments of budgeted funds are required because of the transfers directed by sections 123 through 126 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 128.** All funds appropriated by the legislature in the capital budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are hereby combined under the capital budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

**NEW SECTION. Sec. 129.** Capital and (RMI) projections for vocational-technical institutes are hereby incorporated into the six-year capital plan for community colleges that begins in the 1993-95 biennium and placed under the capital plans and projections for the state board for community and technical colleges.

**NEW SECTION. Sec. 130.** All funds appropriated by the legislature in the operating budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are combined under the operating budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

**NEW SECTION. Sec. 131.** Title to or all interest in real estate, choses in action, and all other assets and liabilities, including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institute purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted for vocational-technical institute purposes or postsecondary vocational education purposes, or used or obtained primarily for vocational education purposes, and all liabilities including, but not limited to court claims incurred on behalf of a vocational-technical institute by a school district, shall, on the date on which the first board of trustees of each college district takes office, vest in or be assigned to the state board for community and technical colleges. Grounds that have been used primarily as a playground for children shall continue to be made available for such use.

Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section for vocational-technical institute purposes shall remain with and continue to be, after the effective date of this section, an asset of the school district.

Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes.

Unexpended funds of a common school district derived from the sale of bonds issued for vocational-technical institute capital purposes and not committed for any existing construction contract, shall be transferred to the college district of which the institute is a part for application to such projects.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a vocational-technical institute is located, and the director of each vocational-technical institute, shall each submit to the state board of education, and the state board for community and technical colleges within ninety days of the effective date of this section, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district which, under the criteria of this section, will become the assets of the state board for community and technical colleges.

However, assets used primarily for vocational-technical institute purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the 1989-90 school year, or if acquired subsequent to July 1, 1990, since its time of acquisition, for vocational-technical institute purposes, except that facilities used during school construction and remodeling periods to house vocational-technical institute programs temporarily and facilities that were vacated by the vocational-technical institute and returned to the school district during 1990-91 are not subject to this requirement.

The ultimate decision and approval with respect to the allocation and dispositions of the assets and liabilities including court claims under this section shall be made by a task force appointed by the governor in consultation with the superintendent of public instruction and the state board for community and technical colleges. Any issues remaining in dispute shall be settled by the governor or the governor's designee. The

decision of the governor, the governor's designee, or the task force may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.05 RCW.

**NEW SECTION. Sec. 132.** If, before the effective date of this section, the use of a single building facility is being shared between an existing vocational-technical institute program and a K-12 program, the respective boards shall continue to share the use of the facility until such time as it is convenient to remove one of the two programs to another facility. The determination of convenience shall be based solely upon the best interests of the students involved.

If a vocational-technical institute district board and a common school district board are sharing the use of a single facility, the program occupying the majority of the space of such facility, exclusive of space utilized equally by both, shall determine which board will be charged with the administration and control of such facility. The determination of occupancy shall be based upon the space occupied as of January 1, 1990.

The board charged with the administration and control of such facility may share expenses with the other board for the use of the facility.

In the event that the two boards are unable to agree upon which board is to administer and control the facility or upon a fair share of expenses for the use of the facility, the governor shall appoint an arbitrator to settle the matter. The decisions of the arbitrator shall be final and binding upon both boards. The expenses of the arbitration shall be divided equally by each board.

**NEW SECTION. Sec. 133.** All funds remaining from any public or private grant, contract, or in various auxiliary enterprise accounts for vocational-technical institute purposes shall be transferred to the appropriate college district under the state board for community and technical colleges once a district board of trustees has been appointed.

**NEW SECTION. Sec. 134.** In the event a new college district is created, the governor shall appoint new trustees to the district's board of trustees in accordance with RCW 28B.50.100.

**Sec. 135.** RCW 43.19.190 and 1987 c 414 s 10 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and

equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

**NEW SECTION. Sec. 136.** Sick leave accumulated by employees of vocational-technical institutes shall be transferred to the college districts without loss of time subject to the provisions of RCW 28B.50.551 and the further provisions of any negotiated agreements then in force.

**NEW SECTION. Sec. 137.** The state employees' benefit board shall adopt rules to preclude any preexisting conditions or limitations in existing health care service contracts for school district employees at vocational-technical institutes transferred to

the state board for community and technical colleges. The board shall also provide for the disposition of any dividends or refundable reserves in the school district's health care service contracts applicable to vocational-technical institute employees.

**NEW SECTION. Sec. 138.** If a school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the college district board, the school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

**NEW SECTION. Sec. 139.** If a technical college is created after the effective date of this section, that college may contract with an adjacent college district for administrative services until such time that an existing or new college district may assume jurisdiction over the college.

**NEW SECTION. Sec. 140.** The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

**NEW SECTION. Sec. 141.** The superintendent of public instruction shall with the advice of the work force training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

**NEW SECTION. Sec. 142.** A new section is added to chapter 28A.320 RCW to read as follows:

As of the effective date of this section, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for technical college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter ..., Laws of 1991 (this act). No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any dispute related to issues contained in this section shall be resolved under section 131 of this act.

**NEW SECTION. Sec. 143.** During the period from the effective date of this section until September 1, 1991:

(1) The executive director of the state board for community and technical colleges, or the executive director's designee, may enter into contracts, or agreements for goods, services, and personnel, on behalf of the technical college, which are effective after September 1, 1991. The executive director, or the executive director's designee, may conduct business, including budget approval, relevant to the operation of the technical college in the period subsequent to September 1, 1991.

(2) Vocational-technical institute directors may conduct business relevant to the operation of the vocational-technical institutes. School boards and superintendents may not restrict or remove powers previously delegated to the vocational-technical institute directors during the 1990-91 school year.

(3) Technical colleges' boards of trustees appointed before September 1, 1991, shall serve in an advisory capacity to the vocational-technical institute director.

As of September 1, 1991, technical colleges may, by interlocal agreement, continue to purchase from the school districts, support services within mutually agreed upon categories at a cost not to exceed the indirect rate charged during the 1990-91 school year. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any dispute related to issues contained in this section shall be resolved under section 131 of this act.

**NEW SECTION. Sec. 144.** The colleges in each overlapping service area shall jointly submit for approval to the state board for community and technical colleges not later than December 1, 1991, a regional planning agreement. The agreement shall provide for the ongoing interinstitutional coordination of community and technical college programs and services operated in the overlapping service area. The agreement shall include the means for the adjudication of issues arising from overlapping service areas. The agreement shall include a definitive statement of mission, scope, and purpose for each college including the nature of courses, programs, and services to be offered by each college. The statement shall include a provision that the technical colleges shall not offer courses designed for transfer to baccalaureate granting institutions. This shall not preclude such offerings provided through contracts or agreements with a community college in the service area.

Any part of the agreement that is not approved by all the colleges in the service area, shall be determined by the state board for community and technical colleges. Approved regional planning agreements shall be enforced by the full authority of the state board for community and technical colleges. Changes to the agreement are subject to state board approval.

For the purpose of creating and adopting a regional planning agreement, the trustees of the colleges in Pierce county shall form a county coordinating committee. The county coordinating committee shall consist of eight members. Each college board of trustees in Pierce county shall select two of its members to serve on the county coordinating committee. The county coordinating committee shall not employ its own staff, but shall instead utilize staff of the colleges in the county. The regional planning agreement adopted by the county coordinating committee shall include, but shall not be limited to: The items listed in this section, the transfer of credits between technical and community colleges, program articulation, and the avoidance of unnecessary duplication in programs, activities, and services.

**Sec. 145.** RCW 28B.52.010 and 1987 c 314 s 1 are each amended to read as follows:

It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the ((community)) college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect,



integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern.

**Sec. 146.** RCW 28B.52.020 and 1987 c 314 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a ((community)) college district and which has as one of its purposes the representation of the employees in their employment relations with the ((community)) college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any ((community)) college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each ((community)) college district.

(3) "Administrator" means any person employed either full or part time by the ((community)) college district and who performs administrative functions as at least fifty percent or more of his or her assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules ((and regulations)) as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in RCW 28B.52.073.

(6) "Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

(7) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before July 26, 1987, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(8) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

**Sec. 147.** RCW 28B.52.030 and 1987 c 314 s 3 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within

its ((community)) college district, shall have the right to bargain as defined in RCW 28B.52.020(8).

**Sec. 148.** RCW 28B.52.035 and 1987 c 314 s 4 are each amended to read as follows:

At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges ((education)). The length of term of any such agreement shall be for not more than three fiscal years. Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

**Sec. 149.** RCW 28B.52.050 and 1971 ex.s. c 196 s 4 are each amended to read as follows:

Nothing in this chapter shall prohibit any academic employee from appearing in his or her own behalf on matters relating to his or her employment relations with the ((community)) college district.

**Sec. 150.** RCW 28B.52.060 and 1987 c 314 s 9 are each amended to read as follows:

The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the ((community)) college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

**Sec. 151.** RCW 28B.52.070 and 1971 ex.s. c 196 s 6 are each amended to read as follows:

Boards of trustees of ((community)) college districts or any administrative officer thereof shall not discriminate against academic employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

**Sec. 152.** RCW 28B.52.078 and 1987 c 314 s 13 are each amended to read as follows:

The right of ((community)) college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party.

**Sec. 153.** RCW 28B.52.090 and 1971 ex.s. c 196 s 8 are each amended to read as follows:

Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any ((community)) college district and any representative of its employees.

**Sec. 154.** RCW 28B.52.200 and 1987 c 314 s 12 are each amended to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each ((community)) college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue.

**Sec. 155.** RCW 28B.52.210 and 1990 c 29 s 6 are each amended to read as follows:

With respect to the community and technical colleges faculty awards trust program, the permissible scope of collective bargaining under this chapter shall be governed by RCW 28B.50.843.

**NEW SECTION. Sec. 156.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;
- (2) RCW 28C.15.010 and 1987 c 492 s 1;
- (3) RCW 28C.15.020 and 1987 c 492 s 2;
- (4) RCW 28C.15.030 and 1987 c 492 s 3; and
- (5) RCW 28C.15.900 and 1987 c 492 s 4.

**NEW SECTION. Sec. 157.** The following acts or parts of acts as now existing or hereafter amended are each repealed effective October 1, 1991:

- (1) RCW 28C.04.015 and 1990 c 188 s 1;
- (2) RCW 28C.04.024 and 1990 c 188 s 2;
- (3) RCW 28C.04.035 and 1990 c 188 s 3; and
- (4) RCW 28C.04.045 and 1990 c 188 s 4.

**NEW SECTION. Sec. 158.** Each technical college shall have written procedures which include provisions for the vocational education of individuals with disabilities. These written procedures shall include a plan to provide services to individuals with disabilities, a written plan of how the technical college will comply with relevant state and federal requirements for providing vocational education to individuals with disabilities, a written plan of how the technical college will provide on-site appropriate instructional support staff in compliance with P.L. 94-142, and as since amended, and section 504 of the rehabilitation act of 1973, and as thereafter amended.

**NEW SECTION. Sec. 159.** Sections 140 and 141 of this act shall constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 160.** Sections 14 and 15 of this act shall constitute a new chapter in Title 50 RCW.

**NEW SECTION. Sec. 161.** Sections 2 through 7 of this act shall constitute a new chapter in Title 28C RCW.

**NEW SECTION. Sec. 162.** Sections 16 through 18 of this act shall constitute a new chapter in Title 28C RCW.

**NEW SECTION. Sec. 163.** Sections 19, 24 through 29, 77, 79, 82 through 84, 92 through 94, 100 through 103, 111, 134, 139, 143, 144, and 158 of this act are each added to chapter 28B.50 RCW.

**NEW SECTION. Sec. 164.** RCW 28B.50.300 is decodified.

**NEW SECTION. Sec. 165.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided for sections 93 through 101 and 156 of this act by June 30, 1993, in the omnibus appropriations act, sections 93 through 101 and 156 of this act shall be null and void.

**NEW SECTION. Sec. 166.** Sections 1 through 7, 14 through 19, 24 through 28, 33, 76 through 81, 85 through 111, 114, 140 through 144, and 164 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

Sections 33, 114, and 142 through 144 of this act shall take effect immediately.

Sections 1 through 8, 14 through 19, 24 through 28, 76 through 81, 85 through 111, 140, 141, and 164 of this act shall take effect July 1, 1991.

Sections 20 through 23, 29 through 32; 34 through 75, 82 through 84, 112, 113, 115 through 139, and 145 through 158 of this act shall take effect September 1, 1991.

Sections 8 through 13 of this act shall take effect October 1, 1991.

**NEW SECTION. Sec. 167.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.50.010, 28B.50.020, 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.060, 28B.50.085, 28B.50.090, 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100, 28B.50.130, 28B.50.140, 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150, 28B.50.205, 28B.50.242, 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405, 28B.50.409, 28B.50.520, 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740, 28B.50.835, 28B.50.837, 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850, 28B.50.851, 28B.50.867, 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875, 15.76.120, 28A.305.270, 28C.10.020, 28B.10.016, 43.19.190, 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070, 28B.52.078, 28B.52.090, 28B.52.200, and 28B.52.210; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28A.320 RCW; adding a new chapter to Title 28A RCW; adding new chapters to Title 28C RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28B.50.055, 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900, 28C.04.015, 28C.04.024, 28C.04.035, and 28C.04.045; decodifying RCW 28B.50.300; providing effective dates; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5184.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5184, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5184, as amended by the House, and the bill pass the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Gaspard, Hayner, Jesernig, M. Kreidler, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West - 30.

Voting nay: Senators Bluechel, Cantu, Conner, Craswell, Erwin, Johnson, Madsen, McDonald, Moore, Niemi, Owen, Rasmussen, Skratek, von Reichbauer, Williams, Wojahn - 16.

Excused: Senators Barr, Hansen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, 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.

## MOTION

Senator Talmadge moved that the Senate now consider the Message from the House regarding Engrossed Substitute Senate Bill No. 5121.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge to consider the Message from the House regarding Engrossed Substitute Senate Bill No. 5121.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge to consider the Message from the House on Engrossed Substitute Senate Bill No. 5121 failed, the President voting 'nay', by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senator Sellar - 1.

## MESSAGE FROM THE HOUSE

April 26, 1991

## MR. PRESIDENT:

The House recessed from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5670 to page 23, line 3; insists on its amendment(s) to page 19,

line 11, and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion by Senator Linda Smith, the Senate concurred in the House amendment on page 19, line 11, to Substitute Senate Bill No. 5670.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5670, as amended by the House on page 19, line 11, but without the House amendment on page 23, line 3.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5670, as amended by the House on page 19, line 11, but without the House amendment on page 23, line 3, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5670, as amended by the House on page 19, line 11, but without the House amendment on page 23, line 3, having received the 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: Governor Gardner's press release for today announced that the Governor would call the Legislature back into special session on June 15, 1991.

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

### INTRODUCTION AND FIRST READING

SCR 8414 by Senators Hayner, Gaspard, Cantu, Snyder, Patterson, McMullen, Bluechel, Bauer, Saling, Wojahn, Nelson, Murray, Matson, Rinehart, von Reichbauer, Vognild, McCaslin, Owen, West, Pelz, Bailey, Stratton, Oke, Conner, Roach, Williams, Johnson, Rasmussen, Metcalf, Moore, Thorsness, M. Kreidler, Anderson, Skratek, Amondson, Niemi, L. Smith, Hansen, Craswell, A. Smith, Newhouse, Sutherland, Erwin and Barr

Convening a special legislative session.

WHEREAS, It is of paramount importance that the Fifty-second Legislature not unnecessarily delay the completion of its work;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That pursuant to Article II, section 12(2) of the Washington State Constitution the Legislature convene in Special Session at 9:00 a.m., Monday, April 29, 1991, for a period not to exceed thirty days; and

BE IT FURTHER RESOLVED, That the items to be considered during the Special Session shall be limited to budgets, matters necessary to implement budgets, growth management, campaign finance reform and reporting, casino gambling, flood control, concurrent resolutions, and matters incident to the interim and to the closing of business of the 1991 First Special Session.

### MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution 8414.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8414 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SENATE CONCURRENT RESOLUTION NO. 8414, having received the constitutional majority, was declared passed.

### MOTION

On motion of Senator Snyder, Senate Concurrent Resolution No. 8414 was ordered immediately transmitted to the House of Representatives.

## MOTION

At 11:26 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:37 p.m. by President Pro Tempore Craswell.

## STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed votes on:

Gubernatorial Appointment No. 9083,

Substitute House Bill No. 1275, as amended by the Senate,

Engrossed Substitute House Bill No. 1780, as amended by the Senate,

Senate Bill No. 5475, as recommended by the Conference Committee,

Substitute House Bill No. 1194, as recommended by the Conference Committee,

Engrossed Substitute House Bill No. 1440, as recommended by the Conference Committee,

Engrossed Substitute House Bill No. 2071, as recommended by the Conference Committee,

Substitute House Bill No. 1704, as recommended by the Conference Committee,

Engrossed Substitute House Bill No. 1608, as recommended by the Conference Committee,

Senate Bill No. 5147, as recommended by the Conference Committee,

House Bill No. 1400, without Senate amendments,

Senate Bill No. 5170, as recommended by the Conference Committee,

Engrossed Substitute Senate Bill No. 5629, as recommended by the Conference Committee,

Engrossed Senate Bill No. 5824, as recommended by the Conference Committee,

Substitute House Bill No. 1956, as recommended by the Conference Committee,

Motion by Senator Madsen to concur in House amendment(s) to Engrossed Substitute Senate Bill No. 5121.

I would have voted 'aye' on each measure, except Substitute House Bill No. 1275, as amended by the Senate, upon which I would have voted 'no.'

SENATOR PHIL TALMADGE, 34th District

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.



SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9083, D. G. Hendricks, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF D. G. HENDRICKS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Gaspard, Hayner, Jesemig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Cantu, Conner, Erwin, Hansen, Matson, Talmadge - 6.

Excused: Senator Sellar - 1.

President Pritchard assumed the Chair.

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 regarding Substitute House Bill No. 1275 and the pending motion by Senator Newhouse to grant the request of the House for a conference thereon, deferred April 26, 1991.

MOTIONS

On motion of Senator Newhouse, and there being no objection, the motion to grant the request of the House for a conference on Substitute House Bill No. 1275 was withdrawn.

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1275 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved that the Senate reconsider the vote by which the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275 was adopted April 19, 1991.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the Committee on Governmental Operations striking amendment was adopted.

The motion by Senator Nelson carried and the Senate will reconsider the vote by which the Committee on Governmental Operations striking amendment was adopted.

### MOTION

On motion of Senator Nelson, the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275 was not adopted on reconsideration.

### MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Madsen, Roach, Vognild and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

**Sec. 2.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, except for public utility district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

**Sec. 3.** RCW 29.21.010 and 1977 c 53 s 3 are each amended to read as follows: All cities and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except those districts which require ownership of property within ((said)) the districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections, except for public utility district primary elections, shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective

titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

**Sec. 4.** RCW 29.30.040 and 1990 c 59 s 94 are each amended to read as follows:

At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, for public utility district office, and for judicial offices shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated.

**Sec. 5.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by (~~qualified~~) registered voters resident within the limits of the proposed city or town equal in number to ten percent of the (~~votes cast~~) number of voters who voted at the last (~~state~~) general municipal election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

**Sec. 6.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote (~~thereat~~) unless he or she is a (~~qualified elector~~) registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided

within the limits of the proposed city or town for at least thirty days next preceding the date of election.

**Sec. 7.** RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to read as follows:

When a petition is filed signed by ~~((electors))~~ registered voters of a city or town, in number equal to not less than one-fifth of the votes cast at the last general municipal election, seeking reorganization thereof as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: PROVIDED, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

**Sec. 8.** RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to read as follows:

If the census prescribed in RCW 35.06.020 shows that the city or town belongs to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the ~~((the))~~ next general election of the city or town, or at a special election to be called for that purpose, the ~~((electors))~~ voters may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

**Sec. 9.** RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to read as follows:

The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his or her office, and if ~~((it appear that all the votes cast for the advancement are not a majority of the votes cast at the election))~~ a majority of those voting on the advancement are not in favor of advancement, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

**Sec. 10.** RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as follows:

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, municipal judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: PROVIDED, That the council may enact an ordinance providing for the appointment of the city clerk, city attorney, and treasurer by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks, city attorneys, and city treasurers shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers and employees: PROVIDED, That the provisions of any such ordinance shall not be inconsistent with any statute: PROVIDED FURTHER, That where the city council

finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his or her pleasure may remove all appointive officers except as otherwise provided herein: PROVIDED, That municipal judges shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering ~~((him))~~ the judge incapable of performing the duties of his or her office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

**Sec. 11.** RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice ~~((delivered to each member of the council at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

**Sec. 12.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read as follows:

The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence of the mayor, perform the duties of mayor except that he or she shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of mayor, the city council at their next regular meeting shall elect from among their number a mayor, who shall serve until a mayor is elected and certified at the next municipal election.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

**Sec. 13.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of ....." (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control ~~((and)),~~ lease, sublease, convey, or otherwise dispose of the same for the common benefit.

**Sec. 14.** RCW 35.27.070 and 1987 c 3 s 12 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil

engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

**Sec. 15.** RCW 35.27.130 and 1990 c 212 s 2 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 and employees 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 June 7, 1990.

**Sec. 16.** RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen))~~ councilmembers, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen))~~ councilmembers.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

**Sec. 17.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to read as follows:

A majority of the ~~((councilmen))~~ councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the ~~((councilmen))~~ councilmembers. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor, or president pro tempore, shall appoint one of the councilmembers as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

**NEW SECTION.** **Sec. 18.** A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

**Sec. 19.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term: PROVIDED, That both persons shall be elected to a two-year term when (a) the city council has divided the city into wards pursuant to RCW 35A.12.180, and (b) the terms of office of a majority of the other councilmanic offices expire at such election. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the

term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

**Sec. 20.** RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each amended to read as follows:

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city (~~shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and~~) may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

**Sec. 21.** RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~(chairman)~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit (~~of ten percent~~) in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices,



places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

**Sec. 22.** RCW 41.12.040 and 1937 c 13 s 5 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~chairman~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town, or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town, or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit (~~of ten percent~~) in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ~~((men))~~ persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 23. RCW 42.17.310 and 1991 c 1 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the

public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective April 19, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Personal information in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**Sec. 24.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the ((qualified electors)) registered voters of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A

form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed the petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to the legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

- Public Utility District No. .... YES ( )
- Public Utility District No. .... NO ( )

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by this act, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 25. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the (~~qualified electors~~) registered voters of (~~such~~) the district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of (~~said~~) the district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to (~~said~~) the legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. .... of ..... County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes ( )

No ( )

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 26. RCW 54.08.080 and 1969 c 106 s 4 are each amended to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the (~~qualified electors~~) registered voters of (~~such~~) the district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to (~~said electors~~) the voters in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such

proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the ~~((electors))~~ voters if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the ~~((votes east))~~ registered voters voting on the dissolution at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order authorizing the payment of all indebtedness of the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

NEW SECTION. Sec. 27. Sections 1 and 3 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 28. Sections 2 and 4 of this act shall take effect July 1, 1992.

Sec. 29. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held after September 1, 1990, but before the effective date of this section and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

Sec. 30. RCW 35.14.010 and 1985 c 281 s 24 are each amended to read as follows:

Whenever unincorporated territory is annexed by a city or town pursuant to the provisions of chapter 35.13 RCW, or whenever unincorporated territory is annexed to



a code city pursuant to the provisions of chapter 35A.14 RCW, community municipal corporations may be organized ((in the manner provided for in this 1967 amendatory act)) for the territory comprised of all or a part of an unincorporated area annexed to a city or town pursuant to chapter 35.13 or 35A.14 RCW, if: (1) The service area is such as would be eligible for incorporation as a city or town; or (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or town; or (3) the service area has a minimum population of not less than one thousand inhabitants.

Whenever two or more cities are consolidated pursuant to the provisions of chapter 35.10 RCW, a community municipal corporation may be organized within one or more of the consolidating cities.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

NEW SECTION. Sec. 31. A new section is added to chapter 35.10 RCW to read as follows:

Voters of one or more of the cities that are proposed to be consolidated may have a ballot proposition submitted to them authorizing the simultaneous creation of a community municipal corporation and election of community council members as provided for under chapter 35.14 RCW. The joint resolution that initiates a consolidation under RCW 35.10.410 may provide for the question of whether a community municipal corporation shall be created to be submitted to the voters of one or more of the cities that are proposed to be consolidated as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation. The petitions that are signed by the voters of each of the cities that are proposed to be consolidated under RCW 35.10.420 may provide for the question of whether to create a community municipal corporation to be submitted to the voters of that city as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation.

The ballots shall contain the words "For consolidation and creation of community municipal corporation" and "Against consolidation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the consolidation must be authorized by the voters of each city proposed to be consolidated before a community municipal corporation is created.

NEW SECTION. Sec. 32. A new section is added to chapter 35A.14 RCW to read as follows:

The resolution initiating the annexation of territory under RCW 35A.14.015, and the petition initiating the annexation of territory under RCW 35A.14.020, may provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation, or for the simultaneous inclusion of the annexed area into a named existing community municipal corporation operating under chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation. If the petition so provides for the creation of a community municipal corporation and election of community council members, the petition shall describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the voters residing in the service area.

The ballots shall contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the annexation must be authorized before a community municipal corporation is created.

**Sec. 33.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except that: (1) The total vote cast upon the proposition to form a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district at the preceding general and county election; and (2) in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general and county election. If the public hospital district is coextensive with the limits of a county and if the county is not operating under a home rule charter, then, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one public hospital district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public hospital district is located. If the public hospital district comprises only a portion of a county or encompasses portions of more than one county, or if the public hospital district is located in a county operating under a home rule charter, then the petition for the formation of the public hospital district shall describe three public hospital district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, and, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one commissioner shall be elected from each of the public hospital district commissioner districts described in the petition. If the boundaries described in the petition for the formation of a public hospital district are changed prior to the election on the proposition for the formation of the public hospital district, then the auditor of the county in which the public hospital district is located or, if the public hospital district encompasses portions of more than one county, the auditor of the county in which the largest portion of the public hospital district is located shall redetermine the boundaries of the commissioner districts in accordance with the above provisions. Any candidate for a particular public hospital district commissioner district position must be a registered voter of that commissioner district. Public hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall

also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts ((encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)) created with five or seven commissioners pursuant to RCW 70.44.051 the commissioners shall be elected and the initial terms of office shall be determined as provided in RCW 70.44.055 and 70.44.057.

NEW SECTION. Sec. 34. This act shall not be construed as affecting any public hospital district created prior to the effective date of this section.

NEW SECTION. Sec. 35. Tax levies authorized by voter approval of a ballot proposition submitted by a city under RCW 84.55.050 at an election held prior to 1988 for the purpose of funding the cost of library improvements, plus the costs of borrowing such amount for up to twenty years, may be levied in the amounts and in the years authorized by the voters in addition to the levies otherwise allowed by this chapter until the expiration of the limited period or satisfaction of the limited purpose so authorized, whichever comes first, notwithstanding the provisions of RCW 84.55.050(2). This act is curative and shall apply retroactively to all limited ballot propositions described herein. The elections at which any such ballot propositions were submitted, and the tax levies authorized thereby, shall be valid and effective in all respects. This act shall not be construed to adversely affect the validity or reduce the amount of any tax levies authorized by any other ballot proposition heretofore or hereafter submitted under RCW 84.55.050.

NEW SECTION. Sec. 36. It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 37. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

**NEW SECTION. Sec. 38.** (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

**NEW SECTION. Sec. 39.** (1) Each owner, operator, manager, or agent of a business must obtain and maintain a separate business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) a description of the proposed establishment; (e) the nature of the proposed business; (f) the trade name of the proposed business; (g) location of the proposed business; (h) a list of all prior business license numbers; (i) a record of all prior criminal convictions for any offense listed under section 56(1) of this act; and (j) such other information as the department may require by rule.

(3) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 64 of this act.

(4) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

NEW SECTION. Sec. 40. (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who has failed to provide information reasonably necessary for issuance of the business license or who has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) Shall establish a buffer zone less than that established in (a) of this subsection if an applicant submits adequate documentation supporting a variance from the buffer zone and the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be

reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town, or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

**NEW SECTION. Sec. 41.** (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

**NEW SECTION. Sec. 42.** (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

**NEW SECTION. Sec. 43.** The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

**NEW SECTION. Sec. 44.** (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

**NEW SECTION. Sec. 45.** (1) The holder of a business license may not assign or transfer the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.

(2) A change in an owner or operator of a licensed business or a change in the manager or agent of a business must be reported to the department within thirty days, and any new owner, operator, manager, or agent must meet the requirements of section 40 of this act. The department shall charge a fee established under RCW 43.24.086 that is at least seventy-five dollars for the processing of a change in an owner, operator, manager, or agent.

**NEW SECTION. Sec. 46.** The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

**NEW SECTION. Sec. 47.** (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; (v) a list of all prior performer's license numbers; (vi) a record of all prior criminal convictions for any offense listed under section 56(1) of this act; and (v) such other information as the department may require by rule.

(b) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 64 of this act.

(c) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A performer who is under eighteen years of age;

(b) A performer who has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

**NEW SECTION. Sec. 48.** Every business licensed under section 40 of this act shall file monthly reports with the department pursuant to rule. The reports shall include the following: (1) The name, address, date of birth, and the performer's license number for all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

**NEW SECTION. Sec. 49.** An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

**NEW SECTION. Sec. 50.** No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction

the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within the city, town, or county.

**NEW SECTION. Sec. 51.** The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 56 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

**NEW SECTION. Sec. 52.** A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

**NEW SECTION. Sec. 53.** (1) If the department determines, upon investigation pursuant to section 52 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default,



upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

**NEW SECTION. Sec. 54.** The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 53 of this act.

**NEW SECTION. Sec. 55.** (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 56 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the license;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Censure or reprimand;
- (d) Compliance with conditions of probation for a designated period of time;
- (e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;
- (f) Denial of the license request.

(2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

**NEW SECTION. Sec. 56.** The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, an assault under chapter 9A.36 RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, a drug offense under chapter 69.41, 69.50, 69.52, or 69.53 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state statute. Conviction in a criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes a plea of guilty or nolo contendere and also includes all sentence deferrals or suspensions;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

- (a) Not furnishing any requested papers or documents;
- (b) Not furnishing in writing a full and complete explanation regarding the matter under investigation; or
- (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

**NEW SECTION. Sec. 57.** (1) The director shall investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same authority as provided the director under section 51 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order is conclusive proof of unlicensed practice and may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

**NEW SECTION. Sec. 58.** A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

**NEW SECTION. Sec. 59.** (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities or officials of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

**NEW SECTION. Sec. 60.** Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

**NEW SECTION. Sec. 61.** It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 62. It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 63. Sections 36 through 62 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 64. A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under section 56(1) of this act for any applicant or for a license holder who is the subject of an investigation under section 52 of this act.

Sec. 65. RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of ~~((twenty-five))~~ fifty thousand dollars or these profits.

NEW SECTION. Sec. 66. 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. 67. Sections 36 through 69 of this act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that sections 36 through 69 of this act are implemented on January 1, 1992.

NEW SECTION. Sec. 68. The municipal research council, created under chapter 43.110 RCW, in conjunction with the association of Washington cities, shall report to the legislature by January 1, 1993, regarding the implementation of the regulation of certain adult entertainment businesses as provided in sections 36 through 67 of this act. The report shall also examine the effectiveness of these provisions in reducing illegal activity on or near the adult entertainment businesses, and contain further suggested legislative enactments designed to reduce illegal activities associated with these businesses, including, but not limited to, obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 69. The provisions of the open public meetings act, contained in chapter 42.30 RCW, shall apply to all meetings conducted by the governing body of a public agency regarding the regulation of adult entertainment businesses pursuant to sections 36 through 68 of this act.

Sec. 70. RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person to operate a motor vehicle in a negligent manner. For the purpose of this section to "operate in a negligent manner" ~~((shall be construed to mean))~~ means the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property ~~((:—PROVIDED HOWEVER, That any))~~. A person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent ~~((shall not be))~~ is not guilty of negligent driving.

~~((The offense of operating a vehicle in a negligent manner shall be considered to be))~~ (2)(a) A person who operates a motor vehicle in a negligent manner and while having intoxicating liquor or any drug in his or her system, but not in an amount

sufficient to constitute a violation of RCW 46.61.502, is guilty of negligent driving in the first degree.

(b) Negligent driving in the first degree is a misdemeanor. Upon conviction of negligent driving in the first degree, a person may be punished by suspension of driving privileges for thirty days and a fine of up to five hundred dollars, but no imprisonment may be imposed. Whenever a person is convicted of negligent driving in the first degree, the clerk of the court in which the conviction occurred shall immediately notify the department of licensing of the conviction.

(c) The court shall order a diagnostic evaluation for any person convicted of negligent driving in the first degree. The evaluation and treatment recommendations shall be prepared by a treatment facility approved by the department of social and health services or a probation department qualified under RCW 46.61.516. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation the convicted person shall be required to complete a course in an information school approved by the department of social and health services or a more intensive treatment program as approved under chapter 70.96A RCW.

(d) The court shall suspend the thirty-day suspension of driving privileges if the convicted person is ordered to complete an information school or a more intensive treatment program. If the convicted person fails to successfully complete the school or program the court shall immediately notify the department of the failure. Upon receipt of such notice, the department shall suspend the person's privilege to drive for thirty days.

(3) A person who operates a motor vehicle in a negligent manner not amounting to negligent driving in the first degree is guilty of negligent driving in the second degree. Negligent driving in the second degree is a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of ~~((operating a vehicle in a))~~ negligent ~~((manner))~~ driving in the second degree. Any person violating ~~((the provisions of))~~ this ~~((section will be))~~ subsection is guilty of a misdemeanor: PROVIDED, That the director may not revoke any license under this ~~((section))~~ subsection, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.

Sec. 71. RCW 46.61.515 and 1985 c 352 s 1 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.))~~ The court shall order a diagnostic evaluation ~~((and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency))~~ for any person convicted under RCW 46.61.502 or 46.61.504. The evaluation and treatment recommendations shall be prepared by a treatment facility approved by the department of social and health services or a ~~((qualified))~~ probation

department (~~(approved by the department of social and health services)~~) qualified under RCW 46.61.516. 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 a more intensive treatment (~~(in a)~~) program as approved ((by the department of social and health services)) under chapter 70.96A RCW. Standards for approval for alcohol treatment programs under this chapter 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))~~ a treatment facility approved by the department of social and health services or a ~~((qualified))~~ probation department ~~((approved by the department of social and health services))~~ qualified under RCW 46.61.516. 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, 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))~~ treatment facility 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, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated ~~((alcoholism agency))~~ treatment facility 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, be revoked by the department for two years.

(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.

(5) For purposes of determining punishment under subsection (2) or (3) of this section, a prior conviction for negligent driving in the first degree shall be treated the same as a prior conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

NEW SECTION. Sec. 72. A new section is added to chapter 35.21 RCW to read as follows:

Each city and town, including a code city, that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted use or conditional use permits.

Sec. 73. RCW 35.20.270 and 1977 ex.s. c 108 s 1 are each amended to read as follows:

(1) The position of warrant ~~((server))~~ officer is hereby created and maintained by the city either within the courts created by chapter 35.20 RCW or within the city police department. The number and qualifications of said warrant ~~((servers))~~ officers shall be fixed by ordinance, and their compensation shall be paid by the city.

(2) Said warrant ~~((servers))~~ officers shall be vested only with the special authority to make arrests authorized by ~~((the))~~ warrants ((which they have been directed to serve by courts created by chapter 35.20 RCW)) and for crimes committed coincidental to warrant service.

(3) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant ~~((servers of the court))~~ officers and be by them executed according to law in any county of this state.

(4) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by said process shall first contact the applicable law enforcement agency in whose jurisdiction the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing said process including the cost of returning the defendant from any county of the state to the city.

(6) Said warrant ~~((servers))~~ officers shall not be entitled to death, disability or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant ~~((server))~~ officer as described in this section.

NEW SECTION. Sec. 74. Section 73 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 June 1, 1991.

NEW SECTION. Sec. 75. Section headings as used in this act do not constitute any part of the law.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson, Madsen, Roach, Vognild and McCaslin, under suspension of the Rules, to Substitute House Bill No. 1275.

The motion by Senator Nelson carried and the striking amendment to Substitute House Bill No. 1275 was adopted.

### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 29.18.022, 29.30.025, 29.21.010, 29.30.040, 35.02.020, 35.02.090, 35.06.020, 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190, 35.27.010, 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.12.010, 35A.39.010, 41.08.040, 41.12.040, 42.17.310, 54.08.010, 54.08.070, 54.08.080, 35.02.078, 35.14.010, 70.44.040, 7.48A.040, 46.61.525, 46.61.515, and 35.20.270; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 18 RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1275, as amended by the Senate, under suspension of the rules, was advanced to third reading the second reading considered the third and the bill was placed on final passage.

### MOTIONS

On motion of Senator Anderson, Senators Bluechel, Matson and Rinehart were excused.

On motion of Senator Murray, Senator Talmadge was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1275, as amended by the Senate, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, Matson, Rinehart, Sellar, Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1275, as amended by the Senate, under suspension of the rules, having received the 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

April 26, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1780 was returned to second reading and read the second time.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved that the Senate reconsider the vote by which the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1780 was adopted April 19, 1991.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the Committee on Law and Justice striking amendment was adopted.

The motion by Senator Nelson carried and the Senate will reconsider the vote by which the Committee on Law and Justice striking amendment was adopted.

## MOTION

On motion of Senator Nelson, the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1780 was not adopted on reconsideration.

## MOTION

On motion of Senator Nelson, the following amendment by Senators Nelson and Niemi was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94A.030 and 1991 c 32 s 1 are each 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 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 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 or the selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, 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 or work crew has been ordered by the court, in ~~((the residence of either the defendant or a member of the defendant's immediate family))~~ an approved residence, 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, work crew, and a combination of work crew 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;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; 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) "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.

(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 of 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, 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.

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with section 2 of this act. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

(35) "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.

~~((35))~~ (36) "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: (i) 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, (ii) abiding by the rules

of the home detention program, and (iii) 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.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

Participation in a work crew is conditioned upon the offender's acceptance into the program, abstinence from alcohol and controlled substances as demonstrated by urinalysis and breathalyzer monitoring, with the cost of monitoring to be paid by the offender, unless indigent; and upon compliance with the rules of the program, which rules shall include the requirements that the offender work to the best of his or her abilities and that he or she provide the program with accurate, verified residence information. Work crew may be imposed simultaneously with electronic home detention.

Where work crew is imposed as part of a sentence of nine months or more, the offender must serve a minimum of thirty days of total confinement before being eligible for work crew.

An offender who has successfully completed four weeks of work crew at thirty-five hours per week shall thereafter receive credit toward the work crew sentence for hours worked at approved, verified employment. Such employment credit may be earned for up to twenty-four hours actual employment per week provided, however, that every such offender shall continue active participation in work crews projects according to a schedule approved by a work crew supervisor until the work crew sentence has been served.

The hours served as part of a work crew sentence may include substance abuse counseling and/or job skills training.

The civic improvement tasks performed by offenders on work crew shall be unskilled labor for the benefit of the community as determined by the head of the county executive branch or his or her designee. Civic improvement tasks shall not be done on private property unless it is owned or operated by a nonprofit entity, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed, the matter shall be referred by an interested party, as defined in RCW 39.12.010(4), for arbitration to the director of the department of labor and industries of the state.

Whenever an offender receives credit against a work crew sentence for hours of approved, verified employment, the offender shall pay to the department administering the program the monthly assessment of an amount not less than ten dollars per month nor more than fifty dollars per month. This assessment shall be considered payment of the costs of providing the work crew program to an offender. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(1) The offender has diligently attempted but has been unable to obtain employment that provided the offender sufficient income to make such payment.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship.

(5) Other extenuating circumstances as determined by the court.

**Sec. 3.** RCW 9.94A.120 and 1990 c 3 s 705 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 five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum 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.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony 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 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 this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than 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 defendant on community supervision for 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 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) 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) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(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 defendant violates the conditions 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 chapter 18.155 RCW.

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 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 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 sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(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 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 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 terms of community placement 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, on work crew, or in a combined program of work crew and 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. 4.** RCW 9.94A.180 and 1988 c 154 s 4 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day or, if serving a work crew sentence shall comply with the conditions of that sentence as set forth in RCW 9.94A.030(23) and section 2 of this act. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release, work crew, or a program of home detention who violates the rules of the work release facility, work crew, or program of home detention or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

**Sec. 5.** RCW 9.94A.190 and 1988 c 154 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

**Sec. 6.** RCW 9A.76.010 and 1979 c 155 s 35 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or

hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

### MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.120, 9.94A.180, 9.94A.190, and 9A.76.010; and adding a new section to chapter 9.94A RCW."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1780, as amended by the Senate under suspension of the rules, 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. 1780, as amended by the Senate, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1780, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Conner, Pelz - 2.

Excused: Senators Bluechel, Matson, Rinehart, Sellar, Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780, as amended by the Senate, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### FIRST REPORT OF CONFERENCE COMMITTEE

SHB 1956

April 24, 1991

Includes "NEW ITEM": YES

Changing provisions for plant protection.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1956, Plant protection, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment adopted 4/15/91 be not adopted; and

That the following Conference Committee striking amendment be adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.09.080 and 1982 c 153 s 4 are each amended to read as follows:

(1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under RCW 15.09.060, it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person. Any action that the board determines requires the destruction of infested plants, absent the consent of the owner, shall be subject to the provisions of subsection (3) of this section.

(3) In the event the owner of land fails to control and prevent the spread of horticultural pests and diseases as required by RCW 15.09.060, and the county horticultural pest and disease board determines that actions it has taken to control and prevent the spread of such pests or diseases has not been effective or the county horticultural pest and disease board determines that no reasonable measures other than removal of the plants will control and prevent the spread of such pests or diseases, the county horticultural pest and disease board may petition the superior court of the county in which the property is situated for an order directing the owner to show cause why the plants should not be removed at the owner's expense and for an order authorizing removal of said infested plants. The petition shall state: (a) The legal description of the property on which the plants are located; (b) the name and place of residence, if known, of the owners of said property; (c) that the county horticultural pest and disease board has, through its officers or agents, inspected said property and that the plants thereon, or some of them, are infested with a horticultural pest or disease as defined by RCW 15.08.010; (d) the dates of all notices and orders delivered to the owners pursuant to this section; (e) that the owner has failed to control and prevent the spread of said horticultural pest or disease; and (f) that the county horticultural pest and disease board has determined that the measures taken by it have not controlled or prevented the spread of the pest or disease or that no reasonable measure can be taken that will control and prevent the spread of such pest or disease except removal of the plants. The petition shall request an order directing the owner to appear and show cause why the plants on said property shall not be removed at the expense of the owner, to be collected as provided in this chapter. The order to show cause shall direct the owner to appear on a date certain and show cause, if any, why the plants on the property described in the petition should not be removed at the owner's expense. The order to show cause and petition shall be served on the owner not less than five days before the hearing date specified in the order in the same manner as a summons and complaint. In the event the owner fails to appear or fails to show by competent evidence that the horticultural pest or disease has been controlled, then the court shall authorize the county horticultural pest and disease board to remove the plants at the owner's expense, to be collected as provided by this

chapter. If the procedure provided herein is followed, no action for damages for removal of the plants shall lie against the county horticultural pest and disease board, its officers or agents, or the county in which it is situated.

Sec. 2. RCW 15.26.155 and 1983 c 281 s 3 are each amended to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs and the reregistration of plant protection products for use on minor crops. ~~((The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year.))~~ The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

**NEW SECTION. Sec. 3. PURPOSE.** The purpose of this chapter is to provide a strong system for the exclusion of plant and bee pests and diseases through regulation of movement and quarantines of infested areas to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state; plants and shrubs within the state; and the environment of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and the public and private costs that result when these infestations become established.

**NEW SECTION. Sec. 4. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using

recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means honey producing insects of the species *apis mellifera* and includes the adults, eggs, larvae, pupae, and other immature stages of *apis mellifera*.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

**NEW SECTION. Sec. 5. REGULATION OF PLANT, PLANT PRODUCT, AND BEE MOVEMENT.** Notwithstanding the provisions of section 8 of this act, the director may:

(1) Make rules under which plants, plant products, bees, hives and beekeeping equipment, and noxious weeds may be brought into this state from other states, territories, or foreign countries; and

(2) Make rules with reference to plants, plant products, bees, bee hives and equipment, and genetically engineered organisms while in transit through this state as may be deemed necessary to prevent the introduction into and dissemination within this state of plant and bee pests and noxious weeds.

**NEW SECTION. Sec. 6. INSPECTION AND INVESTIGATION.** (1) The director may intercept and hold or order held for inspection, or cause to be inspected while in transit or after arrival at their destination, all plants, plant products, bees, or other articles likely to carry plant pests, bee pests, or noxious weeds being moved into this state from another state, territory, or a foreign country or within or through this state for plant and bee pests and disease.

(2) The director may enter upon public and private premises at reasonable times for the purpose of carrying out this chapter. If the director be denied access, the director may apply to any court of competent jurisdiction for a search warrant



authorizing access to such premises. The court may upon such application issue the search warrant for the purposes requested.

(3) The director may adopt rules in accordance with chapter 34.05 RCW as may be necessary to carry out the purposes and provisions of this chapter.

**NEW SECTION. Sec. 7. DETERMINATION OF ORIGIN.** The director may demand of a person who has in his or her possession or under his or her control, plants, bees, plant products, or other articles that may carry plant pests, bee pests, or noxious weeds, full information as to the origin and source of these items. Failure to provide that information, if known, may subject the person to a civil penalty.

**NEW SECTION. Sec. 8. POWER TO ADOPT QUARANTINE MEASURES--RULES.** If determined to be necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of this state, the director may declare a quarantine against an area, place, nursery, orchard, vineyard, apiary, or other agricultural establishment, county or counties within the state, or against other states, territories, or foreign countries, or a portion of these areas, in reference to plant pests, or bee pests, or noxious weeds, or genetically engineered plant or plant pest organisms. The director may prohibit the movement of all regulated articles from such quarantined places or areas that are likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms. The quarantine may be made absolute or rules may be adopted prescribing the conditions under which the regulated articles may be moved into, or sold, or otherwise disposed of in the state.

**NEW SECTION. Sec. 9. INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS, OR ORGANISMS AFFECTING PLANT LIFE.** The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in section 10 of this act.

Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

**NEW SECTION. Sec. 10. PROTECTION OF PRIVILEGED OR CONFIDENTIAL INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT.** (1) In submitting data required by this chapter, the applicant may: (a) Mark clearly portions of data which in his or her opinion are trade secrets or commercial or financial information; and (b) submit the marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law, the director shall not make information submitted by an applicant or registrant under this chapter available to the public if, in the judgment of the director, the information is privileged or confidential because it contains or relates to trade secrets or commercial or financial

information. Where necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director.

(3) If the director proposes to release for inspection or to reveal at a public hearing or in findings of fact issued by the director, information that the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, he or she shall notify the applicant or registrant in writing, by certified mail. The director may not make this data available for inspection nor reveal the information at a public hearing or in findings of fact issued by the director until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may withdraw the application or may institute an action in the superior court of Thurston county for a declaratory judgment as to whether the information is subject to protection under subsection (2) of this section.

NEW SECTION. **Sec. 11. COMPLIANCE AGREEMENTS.** The director may enter into compliance agreements with a person engaged in growing, handling, or moving articles, bees, plants, or plant products regulated under this chapter.

NEW SECTION. **Sec. 12. PROHIBITED ACTS.** It shall be unlawful for a person to:

(1) Sell, offer for sale, or distribute a noxious weed or a plant or plant product or regulated article infested or infected with a plant pest declared by rule to be a threat to the state's forest, agricultural, horticultural, floricultural, or beekeeping industries or environment;

(2) Knowingly receive a noxious weed, or a plant, plant product, bees, bee hive or appliances, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment within this state, in violation of the provisions of this chapter or the rules adopted under this chapter;

(3) Fail to immediately notify the department and isolate and hold the noxious weed, bees, bee hives or appliances, plants or plant products, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department, where the item has been received without knowledge of the violation and the receiver has become subsequently aware of the potential problem;

(4) Knowingly conceal or willfully withhold available information regarding an infected or infested plant, plant product, regulated article, or noxious weed;

(5) Introduce or move into this state, or to move or dispose of in this state, a plant, plant product, or other item included in a quarantine, except under rules as may be prescribed by the department, after a quarantine order has been adopted under this chapter against a place, nursery, orchard, vineyard, apiary, other agricultural establishment, county of this state, another state, territory, or a foreign country as to a plant pest, bee pest, or noxious weed or genetically engineered plant or plant pest organism, until such quarantine is removed.

NEW SECTION. **Sec. 13. IMPOUND AND DISPOSITION.** (1) If upon inspection, the director finds that an inspected plant or plant product or bees are infected or infested or that a regulated article is being held or transported in violation of a rule or quarantine of the department, the director shall notify the owner that a violation of this chapter exists. The director may impound or order the impounding of the infected or infested or regulated article in such a manner as may be necessary to prevent the threat of infestation. The notice shall be in writing and sent by certified mail or personal service identifying the impounded article and giving notice that the articles will be treated, returned to the shipper or to a quarantined area, or destroyed in a manner as to prevent infestation. The impounded article shall not be destroyed unless the director determines that (a) no effective treatment can be carried out; and (b) the impounded article cannot be returned to the shipper or shipped back to a

quarantine area without threat of infestation to this state; and (c) mere possession by the owner constitutes an emergency.

(2) Before taking action to treat, return, or destroy the impounded article, the director shall notify the owner of the owner's right to a hearing before the director under chapter 34.05 RCW. Within ten days after the notice has been given the owner may request a hearing. The request must be in writing.

(3) The cost to impound articles along with the cost, if any, to treat, return, or destroy the articles shall be at the owner's expense. The owner is not entitled to compensation for infested or infected articles destroyed by the department under this section.

**NEW SECTION. Sec. 14. STATE-WIDE SURVEY AND CONTROL ACTIVITY.** If there is reason to believe that a plant or bee pest may adversely impact the forestry, agricultural, horticultural, floricultural, or related industries of the state; or may cause harm to the environment of the state; or such information is needed to facilitate or allow the movement of forestry, agricultural, horticultural, or related products to out-of-state, foreign and domestic markets, the director may conduct, or cause to be conducted, surveys to determine the presence, absence, or distribution of a pest.

The director may take such measures as may be required to control or eradicate such pests where such measures are determined to be in the public interest, are technically feasible, and for which funds are appropriated or provided through cooperative agreements.

**NEW SECTION. Sec. 15. DIRECTOR'S COOPERATION WITH OTHER AGENCIES.** The director may enter into cooperative arrangements with a person, municipality, county, Washington State University or any of its experiment stations, or other agencies of this state, and with boards, officers, and authorities of other states and the United States, including the United States department of agriculture, for the inspection of bees, plants and plant parts and products and the control or eradication of plant pests, bee pests, or noxious weeds and to carry out other provisions of this chapter.

**NEW SECTION. Sec. 16. ACQUISITION OF LANDS, WATER SUPPLY, OR OTHER PROPERTIES FOR QUARANTINE LOCATIONS.** The director may acquire, in fee or in trust, by gift, or whenever funds are appropriated for such purposes, by purchase, easement, lease, or condemnation, lands or other property, water supplies, as may be deemed necessary for use by the department for establishing quarantine stations for the purpose of the isolation, prevention, eradication, elimination, and control of insect pests or plant pathogens that affect the agricultural or horticultural products of the state; for the propagation of biological control agents; or the isolation of genetically engineered plants or plant pests; or the isolation of bee pests.

**NEW SECTION. Sec. 17. REQUESTED INSPECTIONS--FEE FOR SERVICE.** To facilitate the movement or sale of forest, agricultural, floricultural, horticultural and related products, or bees and related products, the director may provide, if requested by farmers, growers, or other interested persons, special inspections, pest identifications, plant identifications, plant diagnostic services, other special certifications and activities not otherwise authorized by statute and to prescribe a fee for that service. The fee shall, as closely as practical, cover the cost of the service rendered, including the salaries and expenses of the personnel involved. Moneys collected shall be deposited in the plant pest account, which is hereby created within the agricultural local fund. No appropriation is required for disbursement from the plant pest account to provide the services authorized by this section.

**NEW SECTION. Sec. 18. PENALTIES--CRIMINAL AND CIVIL PENALTY.** Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to RCW 17.24.100, the director may impose upon and collect from the violator a civil penalty

not exceeding five thousand dollars per violation. Each violation shall be a separate and distinct offense. A person who knowingly, through an act of commission or omission, procures or aids or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty.

**NEW SECTION. Sec. 19. VIOLATIONS--COSTS OF CONTROL.** A person who, through a knowing and willful violation of a quarantine established under this chapter, causes an infestation to become established, may be required to pay the costs of public control or eradication measures caused as a result of that violation.

**NEW SECTION. Sec. 20. FUNDS FOR TECHNICAL AND SCIENTIFIC SERVICES.** The director may, at the director's discretion, provide funds for technical or scientific services, labor, materials and supplies, and biological control agents for the control of plant pests, bee pests, and noxious weeds.

**NEW SECTION. Sec. 21. DETERMINATION OF IMMINENT DANGER OF INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--CONDITIONS--PROCEDURES.** (1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, or economic well-being, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(14). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(14) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals or companies, or both, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

**Sec. 22.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the 'sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;

(14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in (~~RCW 17.24.005~~) section 4 of this act or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

**Sec. 23.** RCW 17.21.100 and 1989 c 380 s 39 are each amended to read as follows:

(1) (~~Except as provided in subsection (7) of this section,~~) Pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records (~~on a form prescribed by the director~~) regarding each application which shall include the following information:

(a) The location of the land where the pesticide was applied.

(b) The year, month, day and time the pesticide was applied.

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

(d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the director.

(2)(a) Records shall be updated on the same day that a pesticide is applied.

(b) A commercial pesticide applicator who applies a pesticide to an agricultural crop or agricultural lands shall submit the information for the application required under subsection (1) of this section to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied.

(3) Such records shall be kept by the licensed applicator or such other person or entity applying the pesticides for a period of seven years from the date of the application of the pesticide to which such records refer (, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide)). If the pesticide was applied by a commercial pesticide applicator to the agricultural crop or agricultural lands of a person who employs one or more employees, as "employee" is defined in RCW 49.70.020, such records shall also be kept by the employer for a period of seven years from the date of the application of the pesticide to which the records refer.

(4) The pesticide records shall be readily available to: The department; the department of labor and industries; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, the employee or the employee's designated representative and the department of labor and industries. In addition, the director may require the submission of such records on a routine basis within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture (~~and the department of labor and industries~~) shall ~~(jointly)~~ adopt, by rule, ~~((one form that satisfies))~~ forms that satisfy the information requirements of this section ~~((and RCW 49.70.119. Records kept on the prescribed form under RCW 49.70.119 may be used to comply with this section.~~

~~(7) This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm).~~

(7)(a) Except as provided in (b) of this subsection, information supplied to a person or entity under this section or under RCW 49.70.119 or made available for inspection or other access upon request under this section or RCW 49.70.119 shall be supplied or made available on a form adopted by the department under this section.

(b) Information submitted by a commercial pesticide applicator to the owner or lessee of agricultural lands under subsection (2)(b) of this section need not be submitted

on a form adopted by the department. However, if the information is not submitted on such a form, it must be readily understandable to a reasonable person.

**Sec. 24.** RCW 49.70.117 and 1989 c 380 s 76 are each amended to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted (~~(no sooner than)~~) within twenty-four hours before the scheduled application of the pesticide, remain posted during application and throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area scheduled to be sprayed prior to application of the pesticide.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

**Sec. 25.** RCW 49.70.119 and 1989 c 380 s 77 are each amended to read as follows:

(1) An employer who applies (~~(or stores)~~) pesticides in connection with the production of an agricultural crop, or who causes pesticides to be applied in connection with such production, shall (~~(compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide list shall be kept on a form prescribed by the department and shall contain at least the following information:~~

~~(a) The location of the land where the pesticide was applied or site where the pesticide was stored;~~

~~(b) The year, month, day, and time the pesticide was applied;~~

~~(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;~~

~~(d) The crop or site to which the pesticide was applied;~~

~~(e) The amount of pesticide applied per acre, or other appropriate measure;~~

~~(f) The concentration of pesticide that was applied;~~

~~(g) The number of acres, or other appropriate measure, to which pesticide was applied;~~

~~(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and~~

~~(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.~~

~~(2) The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.~~

~~(3) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must)) keep records regarding each application which shall~~

include the information required under RCW 17.21.100. This information shall be readily available to the employer's employees and their designated representatives. New or newly assigned employees shall be made aware of the ((pesticide chemical list before working with pesticides or in a work area containing pesticides)) availability of the information.

~~((4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and))~~ The information shall be stored in a location suitable to preserve ((their)) its physical integrity. The employer shall maintain and preserve the ((forms)) information required under this section for no less than seven years. ((The records shall include an estimation of the total amount of each pesticide listed on the forms.

~~((5))~~ After July 23, 1989, if an employer has failed to maintain and preserve the ((forms)) information as required, the employer shall be subject to any applicable penalties authorized under this chapter or chapter 49.17 RCW. ((6)) ~~If activities for which ((forms are)) the information is maintained cease ((at a workplace)) on a farm, the ((forms)) information shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the ((forms)) information as required by this section but is not liable for violations committed by the former employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of ((forms)) information.~~

~~((7))~~ (2) In addition to providing information under subsection (1) of this section, the employer shall provide ((copies of the forms)) the information required under RCW 17.21.100 regarding the application of a pesticide, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests ((a copy of a form)) such information and the employer refuses to provide ((a copy)) the information, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent ((copies)) information, except that in a medical emergency the request shall be made within two working days. The employer shall provide ((copies of the form)) the information to the department within twenty-four hours after the department's request.

~~((8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.)~~

(3) Information provided to any person or entity under this section or made available for inspection or other access upon request under this section shall be provided or made available on a form adopted by the department of agriculture under RCW 17.21.100.

NEW SECTION. Sec. 26. For the purposes of this chapter:

(1) "Applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, or any other individual who



is certified by the Washington state department of agriculture to use or supervise the use of any pesticide which is classified by the environmental protection agency as a restricted-use pesticide.

(2) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county.

(3) "Pesticide" has the meaning given in RCW 17.21.020.

**NEW SECTION. Sec. 27.** (1) When a pesticide is applied by an applicator to public or private school grounds, day care centers, public parks, public playgrounds, or residential property, the pesticide-treated area must be posted with signs provided by the applicator.

(2) Signs shall be posted at the time of the application and for at least the following twenty-four hours. For applications of pesticides which have a reentry interval established by the environmental protection agency, the applicator shall comply with the label requirements. The owner or occupant of the property receiving the application is responsible for removal of the signs after the posting period or applicable reentry interval.

(3) Signs shall include the name and telephone number of the applicator of the pesticide.

(4) The director of the department of agriculture shall adopt rules establishing the size and lettering requirements of signs and any other necessary requirements.

**NEW SECTION. Sec. 28.** The director of the department of agriculture shall administer and enforce the pesticide posting provisions of this chapter and all rules adopted by the department of agriculture under this chapter. All rules to be adopted under this chapter shall be made in accordance with the provisions of chapter 34.05 RCW.

**NEW SECTION. Sec. 29.** State and local health departments, and mosquito control districts when conducting mosquito control operations, are exempt from the posting applications of this chapter.

**NEW SECTION. Sec. 30.** Where it is not practical to post spray applications governed by this chapter, as in the case of roadside spraying, the director of the department of agriculture shall determine by rule what types of applications do not require posting. In lieu of posting under the provisions of this chapter, such applicators shall be required to display the name and telephone number of the applicator or applicator's employer, and the pesticide being sprayed on the vehicle used to make the application. The applicator shall also be required to carry the material safety data sheet for the pesticide being applied in the vehicle making the application.

**NEW SECTION. Sec. 31.** If an applicator receives a written request for information on a spray application governed by this chapter, the applicator shall provide the requestor with the name of the pesticide applied and a copy of the material safety data sheet for the pesticide.

**NEW SECTION. Sec. 32.** The following acts or parts of acts are each repealed:

- (1) RCW 17.24.005 and 1981 c 296 s 36;
- (2) RCW 17.24.030 and 1981 c 296 s 24 & 1927 c 292 s 2;
- (3) RCW 17.24.035 and 1981 c 296 s 25 & 1927 c 292 s 3;
- (4) RCW 17.24.060 and 1927 c 292 s 4;
- (5) RCW 17.24.070 and 1927 c 292 s 5;
- (6) RCW 17.24.080 and 1927 c 292 s 6;
- (7) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;
- (8) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947 c 156 s 2;
- (9) RCW 17.24.120 and 1947 c 156 s 3;
- (10) RCW 17.24.130 and 1947 c 156 s 4;
- (11) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5; and
- (12) RCW 17.24.200 and 1982 c 153 s 2.

NEW SECTION. Sec. 33. Captions as used in sections 3 through 21 of this act constitute no part of the law.

NEW SECTION. Sec. 34. (1) Sections 3 through 21 of this act are each added to chapter 17.24 RCW.

(2) Sections 26 through 31 of this act shall constitute a new chapter in Title 17 RCW.

NEW SECTION. Sec. 35. 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 "industry;" strike the remainder of the title and insert "amending RCW 15.09.080, 15.26.155, 43.06.010, 17.21.100, 49.70.117, and 49.70.119; adding new sections to chapter 17.24 RCW; adding a new chapter to Title 17 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035, 17.24.060, 17.24.070, 17.24.080, 17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, and 17.24.200; prescribing penalties; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Rayburn, Nealey.

### MOTION

On motion of Senator Barr, and there being no objection, the First Report of the Conference Committee on Substitute House Bill No. 1956 was not adopted.

### SECOND REPORT OF CONFERENCE COMMITTEE

**SHB 1956**

April 26, 1991

Includes "NEW ITEM": YES

Changing provisions for plant protection.

MR. PRESIDENT:

MR. SPEAKER:

We of your Second Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1956, Plant protection, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment adoptd 4/15/91 be not adopted; and

That the following Second Conference Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.09.080 and 1982 c 153 s 4 are each amended to read as follows:

(1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under RCW 15.09.060, it shall provide such person with

written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person. Any action that the board determines requires the destruction of infested plants, absent the consent of the owner, shall be subject to the provisions of subsection (3) of this section.

(3) In the event the owner of land fails to control and prevent the spread of horticultural pests and diseases as required by RCW 15.09.060, and the county horticultural pest and disease board determines that actions it has taken to control and prevent the spread of such pests or diseases has not been effective or the county horticultural pest and disease board determines that no reasonable measures other than removal of the plants will control and prevent the spread of such pests or diseases, the county horticultural pest and disease board may petition the superior court of the county in which the property is situated for an order directing the owner to show cause why the plants should not be removed at the owner's expense and for an order authorizing removal of said infected plants. The petition shall state: (a) The legal description of the property on which the plants are located; (b) the name and place of residence, if known, of the owners of said property; (c) that the county horticultural pest and disease board has, through its officers or agents, inspected said property and that the plants thereon, or some of them, are infested with a horticultural pest or disease as defined by RCW 15.08.010; (d) the dates of all notices and orders delivered to the owners pursuant to this section; (e) that the owner has failed to control and prevent the spread of said horticultural pest or disease; and (f) that the county horticultural pest and disease board has determined that the measures taken by it have not controlled or prevented the spread of the pest or disease or that no reasonable measure can be taken that will control and prevent the spread of such pest or disease except removal of the plants. The petition shall request an order directing the owner to appear and show cause why the plants on said property shall not be removed at the expense of the owner, to be collected as provided in this chapter. The order to show cause shall direct the owner to appear on a date certain and show cause, if any, why the plants on the property described in the petition should not be removed at the owner's expense. The order to show cause and petition shall be served on the owner not less than five days before the hearing date specified in the order in the same manner as a summons and complaint. In the event the owner fails to appear or fails to show by competent evidence that the horticultural pest or disease has been controlled, then the court shall authorize the county horticultural pest and disease board to remove the plants at the owner's expense, to be collected as provided by this chapter. If the procedure provided herein is followed, no action for damages for removal of the plants shall lie against the county horticultural pest and disease board, its officers or agents, or the county in which it is situated.

Sec. 2. RCW 15.26.155 and 1983 c 281 s 3 are each amended to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs and the reregistration of plant protection products for use on minor crops. ~~((The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year.))~~ The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

**NEW SECTION. Sec. 3. PURPOSE.** The purpose of this chapter is to provide a strong system for the exclusion of plant and bee pests and diseases through regulation of movement and quarantines of infested areas to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state; plants and shrubs within the state; and the environment of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and the public and private costs that result when these infestations become established.

**NEW SECTION. Sec. 4. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means honey producing insects of the species *apis mellifera* and includes the adults, eggs, larvae, pupae, and other immature stages of *apis mellifera*.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

**NEW SECTION. Sec. 5. REGULATION OF PLANT, PLANT PRODUCT, AND BEE MOVEMENT.** Notwithstanding the provisions of section 8 of this act, the director may:

(1) Make rules under which plants, plant products, bees, hives and beekeeping equipment, and noxious weeds may be brought into this state from other states, territories, or foreign countries; and

(2) Make rules with reference to plants, plant products, bees, bee hives and equipment, and genetically engineered organisms while in transit through this state as may be deemed necessary to prevent the introduction into and dissemination within this state of plant and bee pests and noxious weeds.

**NEW SECTION. Sec. 6. INSPECTION AND INVESTIGATION.** (1) The director may intercept and hold or order held for inspection, or cause to be inspected while in transit or after arrival at their destination, all plants, plant products, bees, or other articles likely to carry plant pests, bee pests, or noxious weeds being moved into this state from another state, territory, or a foreign country or within or through this state for plant and bee pests and disease.

(2) The director may enter upon public and private premises at reasonable times for the purpose of carrying out this chapter. If the director be denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises. The court may upon such application issue the search warrant for the purposes requested.

(3) The director may adopt rules in accordance with chapter 34.05 RCW as may be necessary to carry out the purposes and provisions of this chapter.

**NEW SECTION. Sec. 7. DETERMINATION OF ORIGIN.** The director may demand of a person who has in his or her possession or under his or her control, plants, bees, plant products, or other articles that may carry plant pests, bee pests, or noxious weeds, full information as to the origin and source of these items. Failure to provide that information, if known, may subject the person to a civil penalty.

**NEW SECTION. Sec. 8. POWER TO ADOPT QUARANTINE MEASURES-RULES.** If determined to be necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of this state, the director may declare a quarantine against an area, place, nursery, orchard, vineyard, apiary, or other agricultural establishment, county or counties within the state, or against other states,

territories, or foreign countries, or a portion of these areas, in reference to plant pests, or bee pests, or noxious weeds, or genetically engineered plant or plant pest organisms. The director may prohibit the movement of all regulated articles from such quarantined places or areas that are likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms. The quarantine may be made absolute or rules may be adopted prescribing the conditions under which the regulated articles may be moved into, or sold, or otherwise disposed of in the state.

**NEW SECTION. Sec. 9. INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS, OR ORGANISMS AFFECTING PLANT LIFE.** The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in section 10 of this act.

Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

**NEW SECTION. Sec. 10. PROTECTION OF PRIVILEGED OR CONFIDENTIAL INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT.** (1) In submitting data required by this chapter, the applicant may: (a) Mark clearly portions of data which in his or her opinion are trade secrets or commercial or financial information; and (b) submit the marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law, the director shall not make information submitted by an applicant or registrant under this chapter available to the public if, in the judgment of the director, the information is privileged or confidential because it contains or relates to trade secrets or commercial or financial information. Where necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director.

(3) If the director proposes to release for inspection or to reveal at a public hearing or in findings of fact issued by the director, information that the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, he or she shall notify the applicant or registrant in writing, by certified mail. The director may not make this data available for inspection nor reveal the information at a public hearing or in findings of fact issued by the director until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may withdraw the application or may institute an action in the superior court of Thurston county for a declaratory judgment as to whether the information is subject to protection under subsection (2) of this section.

NEW SECTION. **Sec. 11. COMPLIANCE AGREEMENTS.** The director may enter into compliance agreements with a person engaged in growing, handling, or moving articles, bees, plants, or plant products regulated under this chapter.

NEW SECTION. **Sec. 12. PROHIBITED ACTS.** It shall be unlawful for a person to:

(1) Sell, offer for sale, or distribute a noxious weed or a plant or plant product or regulated article infested or infected with a plant pest declared by rule to be a threat to the state's forest, agricultural, horticultural, floricultural, or beekeeping industries or environment;

(2) Knowingly receive a noxious weed, or a plant, plant product, bees, bee hive or appliances, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment within this state, in violation of the provisions of this chapter or the rules adopted under this chapter;

(3) Fail to immediately notify the department and isolate and hold the noxious weed, bees, bee hives or appliances, plants or plant products, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department, where the item has been received without knowledge of the violation and the receiver has become subsequently aware of the potential problem;

(4) Knowingly conceal or willfully withhold available information regarding an infested or infested plant, plant product, regulated article, or noxious weed;

(5) Introduce or move into this state, or to move or dispose of in this state, a plant, plant product, or other item included in a quarantine, except under rules as may be prescribed by the department, after a quarantine order has been adopted under this chapter against a place, nursery, orchard, vineyard, apiary, other agricultural establishment, county of this state, another state, territory, or a foreign country as to a plant pest, bee pest, or noxious weed or genetically engineered plant or plant pest organism, until such quarantine is removed.

NEW SECTION. **Sec. 13. IMPOUND AND DISPOSITION.** (1) If upon inspection, the director finds that an inspected plant or plant product or bees are infested or infested or that a regulated article is being held or transported in violation of a rule or quarantine of the department, the director shall notify the owner that a violation of this chapter exists. The director may impound or order the impounding of the infested or infested or regulated article in such a manner as may be necessary to prevent the threat of infestation. The notice shall be in writing and sent by certified mail or personal service identifying the impounded article and giving notice that the articles will be treated, returned to the shipper or to a quarantined area, or destroyed in a manner as to prevent infestation. The impounded article shall not be destroyed unless the director determines that (a) no effective treatment can be carried out; and (b) the impounded article cannot be returned to the shipper or shipped back to a quarantine area without threat of infestation to this state; and (c) mere possession by the owner constitutes an emergency.

(2) Before taking action to treat, return, or destroy the impounded article, the director shall notify the owner of the owner's right to a hearing before the director under chapter 34.05 RCW. Within ten days after the notice has been given the owner may request a hearing. The request must be in writing.

(3) The cost to impound articles along with the cost, if any, to treat, return, or destroy the articles shall be at the owner's expense. The owner is not entitled to compensation for infested or infested articles destroyed by the department under this section.

NEW SECTION. **Sec. 14. STATE-WIDE SURVEY AND CONTROL ACTIVITY.** If there is reason to believe that a plant or bee pest may adversely impact the forestry, agricultural, horticultural, floricultural, or related industries of the state; or may cause harm to the environment of the state; or such information is needed to facilitate or allow the movement of forestry, agricultural, horticultural, or related

products to out-of-state, foreign and domestic markets, the director may conduct, or cause to be conducted, surveys to determine the presence, absence, or distribution of a pest.

The director may take such measures as may be required to control or eradicate such pests where such measures are determined to be in the public interest, are technically feasible, and for which funds are appropriated or provided through cooperative agreements.

**NEW SECTION. Sec. 15. DIRECTOR'S COOPERATION WITH OTHER AGENCIES.** The director may enter into cooperative arrangements with a person, municipality, county, Washington State University or any of its experiment stations, or other agencies of this state, and with boards, officers, and authorities of other states and the United States, including the United States department of agriculture, for the inspection of bees, plants and plant parts and products and the control or eradication of plant pests, bee pests, or noxious weeds and to carry out other provisions of this chapter.

**NEW SECTION. Sec. 16. ACQUISITION OF LANDS, WATER SUPPLY, OR OTHER PROPERTIES FOR QUARANTINE LOCATIONS.** The director may acquire, in fee or in trust, by gift, or whenever funds are appropriated for such purposes, by purchase, easement, lease, or condemnation, lands or other property, water supplies, as may be deemed necessary for use by the department for establishing quarantine stations for the purpose of the isolation, prevention, eradication, elimination, and control of insect pests or plant pathogens that affect the agricultural or horticultural products of the state; for the propagation of biological control agents; or the isolation of genetically engineered plants or plant pests; or the isolation of bee pests.

**NEW SECTION. Sec. 17. REQUESTED INSPECTIONS--FEE FOR SERVICE.**  
To facilitate the movement or sale of forest, agricultural, floricultural, horticultural and related products, or bees and related products, the director may provide, if requested by farmers, growers, or other interested persons, special inspections, pest identifications, plant identifications, plant diagnostic services, other special certifications and activities not otherwise authorized by statute and to prescribe a fee for that service. The fee shall, as closely as practical, cover the cost of the service rendered, including the salaries and expenses of the personnel involved. Moneys collected shall be deposited in the plant pest account, which is hereby created within the agricultural local fund. No appropriation is required for disbursement from the plant pest account to provide the services authorized by this section.

**NEW SECTION. Sec. 18. PENALTIES--CRIMINAL AND CIVIL PENALTY.**  
Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to RCW 17.24.100, the director may impose upon and collect from the violator a civil penalty not exceeding five thousand dollars per violation. Each violation shall be a separate and distinct offense. A person who knowingly, through an act of commission or omission, procures or aids or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty.

**NEW SECTION. Sec. 19. VIOLATIONS--COSTS OF CONTROL.** A person who, through a knowing and willful violation of a quarantine established under this chapter, causes an infestation to become established, may be required to pay the costs of public control or eradication measures caused as a result of that violation.

**NEW SECTION. Sec. 20. FUNDS FOR TECHNICAL AND SCIENTIFIC SERVICES.** The director may, at the director's discretion, provide funds for technical or scientific services, labor, materials and supplies, and biological control agents for the control of plant pests, bee pests, and noxious weeds.

**NEW SECTION. Sec. 21. DETERMINATION OF IMMINENT DANGER OF INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--CONDITIONS--PROCEDURES.** (1) If the director determines that there



exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, or economic well-being, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(14). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(14) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals or companies, or both, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

**Sec. 22.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution

or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;

(14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in (~~RCW 17.24.005~~) section 4 of this act or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

Sec. 23. RCW 17.21.100 and 1989 c 380 s 39 are each amended to read as follows:

(1) (~~Except as provided in subsection (7) of this section,~~) Pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records (on a form prescribed by the director) regarding each application which shall include the following information:

(a) The location of the land where the pesticide was applied.

(b) The year, month, day and time the pesticide was applied.

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

(d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the director.

(2)(a) Records shall be updated on the same day that a pesticide is applied.

(b) A commercial pesticide applicator who applies a pesticide to an agricultural crop or agricultural lands shall submit the information for the application required under subsection (1) of this section to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied.

(3) Such records shall be kept by the licensed applicator or such other person or entity applying the pesticides for a period of seven years from the date of the

application of the pesticide to which such records refer (~~and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee; PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide~~). If the pesticide was applied by a commercial pesticide applicator to the agricultural crop or agricultural lands of a person who employs one or more employees, as "employee" is defined in RCW 49.70.020, such records shall also be kept by the employer for a period of seven years from the date of the application of the pesticide to which the records refer.

(4) The pesticide records shall be readily available to: The department; the department of labor and industries; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, the employee or the employee's designated representative and the department of labor and industries. In addition, the director may require the submission of such records on a routine basis within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture and the department of labor and industries shall jointly adopt, by rule, ~~((one form that satisfies))~~ forms that satisfy the information requirements of this section ~~((and RCW 49.70.119. Records kept on the prescribed form under RCW 49.70.119 may be used to comply with this section.~~

~~(7) This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm).~~

(7)(a) Except as provided in (b) of this subsection, information supplied to a person or entity under this section or under RCW 49.70.119 or made available for inspection or other access upon request under this section or RCW 49.70.119 shall be supplied or made available on a form adopted by the department under this section.

(b) Information submitted by a commercial pesticide applicator to the owner or lessee of agricultural lands under subsection (2)(b) of this section need not be submitted on a form adopted by the department. However, if the information is not submitted on such a form, it must be readily understandable to a reasonable person.

**Sec. 24.** RCW 49.70.117 and 1989 c 380 s 76 are each amended to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted ~~((no sooner than))~~ within twenty-four hours before the scheduled application of the pesticide, remain posted during application and

throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area scheduled to be sprayed prior to application of the pesticide.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

**Sec. 25.** RCW 49.70.119 and 1989 c 380 s 77 are each amended to read as follows:

(1) An employer who applies (~~or stores~~) pesticides in connection with the production of an agricultural crop, or who causes pesticides to be applied in connection with such production, shall (~~compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide list shall be kept on a form prescribed by the department and shall contain at least the following information:~~

(a) ~~The location of the land where the pesticide was applied or site where the pesticide was stored;~~

(b) ~~The year, month, day, and time the pesticide was applied;~~

(c) ~~The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;~~

(d) ~~The crop or site to which the pesticide was applied;~~

(e) ~~The amount of pesticide applied per acre, or other appropriate measure;~~

(f) ~~The concentration of pesticide that was applied;~~

(g) ~~The number of acres, or other appropriate measure, to which pesticide was applied;~~

(h) ~~If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and~~

(i) ~~The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.~~

(2) ~~The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.~~

(3) ~~The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must~~) keep records regarding each application which shall include the information required under RCW 17.21.100. This information shall be readily available to the employer's employees and their designated representatives. New or newly assigned employees shall be made aware of the ((pesticide chemical list before working with pesticides or in a work area containing pesticides)) availability of the information.

~~((4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and)) The information shall be stored in a location suitable to preserve ((their)) its physical integrity. The employer shall maintain and preserve the ((forms)) information required under this section for no less than seven years. ((The records shall include an estimation of the total amount of each pesticide listed on the forms.~~

~~((5))~~) After July 23, 1989, if an employer has failed to maintain and preserve the ((forms)) information as required, the employer shall be subject to any applicable

penalties authorized under this chapter or chapter 49.17 RCW. ~~((6))~~ If activities for which ~~((forms are))~~ the information is maintained cease ~~((at a workplace))~~ on a farm, the ~~((forms))~~ information shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the ~~((forms))~~ information as required by this section but is not liable for violations committed by the former employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of ~~((forms))~~ information.

~~((7))~~ (2) In addition to providing information under subsection (1) of this section, the employer shall provide ((copies of the forms)) the information required under RCW 17.21.100 regarding the application of a pesticide, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests ((a copy of a form)) such information and the employer refuses to provide ((a copy)) the information, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent ((copies)) information, except that in a medical emergency the request shall be made within two working days. The employer shall provide ((copies of the form)) the information to the department within twenty-four hours after the department's request.

~~((8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.)~~

(3) Information provided to any person or entity under this section or made available for inspection or other access upon request under this section shall be provided or made available on a form adopted by the department of agriculture and the department of labor and industries under RCW 17.21.100.

NEW SECTION. Sec. 26. For the purposes of this chapter:

(1) "Applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, or any other individual who is certified by the Washington state department of agriculture to use or supervise the use of any pesticide which is classified by the environmental protection agency as a restricted-use pesticide.

(2) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county.

(3) "Pesticide" has the meaning given in RCW 17.21.020.

NEW SECTION. Sec. 27. (1) When a pesticide is applied by an applicator to public or private school grounds, day care centers, public parks, public playgrounds, or residential property, the pesticide-treated area must be posted with signs provided by the applicator.

(2) Signs shall be posted at the time of the application and for at least the following twenty-four hours. For applications of pesticides which have a reentry interval established by the environmental protection agency, the applicator shall comply with the label requirements. The owner or occupant of the property receiving the

application is responsible for removal of the signs after the posting period or applicable reentry interval.

(3) Signs shall include the name and telephone number of the applicator of the pesticide.

(4) The director of the department of agriculture shall adopt rules establishing the size and lettering requirements of signs and any other necessary requirements.

NEW SECTION. Sec. 28. The director of the department of agriculture shall administer and enforce the pesticide posting provisions of this chapter and all rules adopted by the department of agriculture under this chapter. All rules to be adopted under this chapter shall be made in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 29. State and local health departments, and mosquito control districts when conducting mosquito control operations, are exempt from the posting applications of this chapter.

NEW SECTION. Sec. 30. Where it is not practical to post spray applications governed by this chapter, as in the case of roadside spraying, the director of the department of agriculture shall determine by rule what types of applications do not require posting. In lieu of posting under the provisions of this chapter, such applicators shall be required to display the name and telephone number of the applicator or applicator's employer, and the pesticide being sprayed on the vehicle used to make the application. The applicator shall also be required to carry the material safety data sheet for the pesticide being applied in the vehicle making the application.

NEW SECTION. Sec. 31. If an applicator receives a written request for information on a spray application governed by this chapter, the applicator shall provide the requestor with the name of the pesticide applied and a copy of the material safety data sheet for the pesticide.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) RCW 17.24.005 and 1981 c 296 s 36;
- (2) RCW 17.24.030 and 1981 c 296 s 24 & 1927 c 292 s 2;
- (3) RCW 17.24.035 and 1981 c 296 s 25 & 1927 c 292 s 3;
- (4) RCW 17.24.060 and 1927 c 292 s 4;
- (5) RCW 17.24.070 and 1927 c 292 s 5;
- (6) RCW 17.24.080 and 1927 c 292 s 6;
- (7) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;
- (8) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947 c 156 s 2;
- (9) RCW 17.24.120 and 1947 c 156 s 3;
- (10) RCW 17.24.130 and 1947 c 156 s 4;
- (11) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5; and
- (12) RCW 17.24.200 and 1982 c 153 s 2.

NEW SECTION. Sec. 33. Captions as used in sections 3 through 21 of this act constitute no part of the law.

NEW SECTION. Sec. 34. (1) Sections 3 through 21 of this act are each added to chapter 17.24 RCW.

(2) Sections 26 through 31 of this act shall constitute a new chapter in Title 17 RCW.

NEW SECTION. Sec. 35. 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 "industry;" strike the remainder of the title and insert "amending RCW 15.09.080, 15.26.155, 43.06.010, 17.21.100, 49.70.117, and 49.70.119; adding new sections to chapter 17.24 RCW; adding a new chapter to Title 17 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035,

17.24.060, 17.24.070, 17.24.080, 17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, and 17.24.200; prescribing penalties; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Rayburn, Kremen.

#### MOTION

Senator Barr moved that the Second Report of the Conference Committee on Substitute House Bill No. 1956 be adopted.

#### POINT OF ORDER

Senator Williams: "A point of order, Mr. President. I would like to ask you to rule on scope and object of the Conference Committee Report. The report and the underlying bill, as I understand it, deals with the protection of plants. It deals with the Department of Agriculture and its enforcement of the various rules and regs and so forth related to the protection of plants. Section 24 in the Conference Committee Report deals with new subject matter which brings in the Department of Labor and Industries and eliminates the requirement that records be kept by that department under that statute. It eliminates the Department of Labor and Industries rule making for record keeping requirements and makes other changes which is legislation that is related to protection of farm workers and I believe it is outside the scope and object and ask for your ruling."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1956 was deferred.

#### MESSAGE FROM THE HOUSE

April 26, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5475 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

SB 5475

April 24, 1991

Includes "NEW ITEM": YES

Authorizing honorary degrees.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5475, authorizing honorary degrees, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the quality of undergraduate education is enhanced by association with graduate assistants from other countries who can effectively communicate their knowledge and diverse cultural backgrounds.

It is the intent of the legislature to assist the institutions in their effort to improve the quality of undergraduate education at the state's four-year colleges and universities. Attainment of an excellent education is facilitated when communication is clear, concise, sensitive to cultural differences, and demonstrative of proven pedagogical skills. It is the further intent of the legislature to assure students and parents that graduate teaching assistants at our state institutions of higher education are able to communicate effectively and understandably with undergraduate students.

NEW SECTION. Sec. 2. The Washington state legislature affirms the following principles:

(1) Washington's college and university students are entitled to excellent instruction at the state's institutions of higher education. Excellent education requires the ability to communicate effectively in college classrooms and laboratories.

(2) The presence of students, faculty, and staff from other countries on Washington's college campuses enriches the educational experience of Washington's students and enhances scholarship and research at the state's colleges and universities.

(3) With the exception of courses designed to be taught primarily in a foreign language, undergraduate students shall be provided with classroom instruction, laboratory instruction, clinics, seminars, studios, and other participatory and activity courses by a person fluent in both the spoken and written English language.

(4) Persons of all nationalities, races, religions, and ethnic backgrounds are welcome and valued in the state of Washington.

NEW SECTION. Sec. 3. The governing board of each state university, regional university, state college, and community college shall ensure that the principles in section 1 of this act are implemented at its institution of higher education.

NEW SECTION. Sec. 4. The council of presidents, in consultation with the higher education coordinating board, shall convene a task force of representatives from the four-year universities and colleges. The task force shall:

(1) Review institutional policies and procedures designed to ensure that faculty and teaching assistants are able to communicate effectively with undergraduate students in classrooms and laboratories;

(2) Research methods and procedures designed to improve the communication and teaching skills of any person funded by state money who instructs undergraduate students in classrooms and laboratories;

(3) Share the results of that research with each participating university and college; and

(4) Work with each participating university and college to assist the institution in its efforts to improve the communication and pedagogical skills of faculty and teaching assistants instructing undergraduate students.



**NEW SECTION. Sec. 5.** The legislature finds that sick leave policies for faculty members and administrators at the state's institutions of higher education are inconsistent. The legislature further finds that sick leave policies for faculty and administrators at some institutions of higher education differ substantially from policies for other state employees. It is the intent of the legislature that sick leave policies are uniform and consistent for all faculty and administrators hired after May 1, 1992, at the state's community colleges, regional universities, state college and research universities.

**NEW SECTION. Sec. 6.** The higher education coordinating board, in consultation with the state board for community college education, shall study institutional sick leave policies and shall recommend a mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992, at all public higher education institutions. By December 1, 1991, the uniform policy, and proposed legislation to implement that policy, shall be submitted to the senate and house committees on higher education.

**NEW SECTION. Sec. 7.** The higher education coordinating board shall establish an advisory committee on access to higher education for students with disabilities. The committee shall include but need not be limited to representation from the following: Students with disabilities, coordinators of services for students with disabilities, the governor's committee on disability issues and employment, and agencies and organizations that work with or represent persons with disabilities.

**NEW SECTION. Sec. 8.** In consultation with the advisory committee on access to higher education for students with disabilities the board shall:

(1) Inventory existing campus and agency resources available to address the accommodation needs of students with disabilities;

(2) Distribute the inventory to institutions of higher education and to the superintendent of public instruction for further distribution to appropriate personnel in the K-12 system;

(3) Survey institutions of higher education and students with disabilities to identify specific services that have been requested but not provided;

(4) Report the results of the survey, with recommendations on a phased plan to meet identified needs in priority order, to the governor, the house of representatives and senate higher education and fiscal committees, and the institutions of higher education;

(5) In coordination with the state board for community college education, conduct a state-wide training workshop for coordinators of services for students with disabilities.

**NEW SECTION. Sec. 9.** Sections 7 and 8 of this act are each added to chapter 28B.80 RCW.

**Sec. 10.** RCW 28B.108.010 and 1990 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian (~~student as defined by the board in consultation with the advisory committee described in RCW 28B.108.030,)~~) who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

**Sec. 11.** RCW 28B.108.030 and 1990 c 287 s 4 are each amended to read as follows:

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 RCW 28B.108.020. ~~((These))~~ The criteria shall assess the student's social and cultural ties to an American Indian community within the state. The 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.

Sec. 12. RCW 28B.108.070 and 1990 c 287 s 8 are each amended to read as follows:

The higher education coordinating board may request that the treasurer deposit ~~((five hundred))~~ fifty 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 cash 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. 13. It is the intent of the legislature to enable Washington residents who have actively served in the Persian Gulf combat zone to attend any Washington institution of higher education at 1990 tuition rates.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.15 RCW to read as follows:

A veteran of the Persian Gulf combat zone shall be exempted from increases in tuition and fees at any public institution of higher education that occur during and after their period of service, and shall not be required to pay more than the total amount of tuition and fees established for the 1990-91 academic year, if the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990, and if the veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census. For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who during any portion of calendar year 1991 served in active federal service as a member of the armed military or naval forces of the United States in a combat zone as designated by the president of the United States by executive order.

NEW SECTION. Sec. 15. Sections 13 and 14 of this act shall expire on June 30, 1994.

NEW SECTION. Sec. 16. Sections 1 through 4 of this act are each added to Title 28B RCW.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.108.010, 28B.108.030, and 28B.108.070; adding new sections to Title 28B RCW; adding new section to chapter 28B.80 RCW; adding a new section to chapter 28B.15 RCW; creating new sections; and providing an expiration date.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Saling, Bauer; Representatives Jacobsen, Ogden and Wood.

## MOTION

On motion of Senator Saling, the Report of the Conference Committee on Senate Bill No. 5475 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5475, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5475, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Rasmussen, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 38.

Voting nay: Senators Niemi, Patterson, Skratek, Wojahn - 4.

Absent: Senators Barr, Pelz - 2.

Excused: Senators Bluechel, Matson, Rinehart, Sellar, Talmadge - 5.

SENATE BILL NO. 5475, as recommended by the 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.

### MOTIONS

On motion of Senator Linda Smith, Senators Amondson and Barr were excused.

On motion of Senator Murray, Senators McMullen and Pelz were excused.

### REPORT OF CONFERENCE COMMITTEE

**SHB 1194**

April 26, 1991

Includes "NEW ITEM": YES

Revising and adding provisions on special districts.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1194, Special districts, have had the same under consideration and we recommend that:

The Senate amendments(s) adopted 4/18/91 be not adopted and that the following amendments, beginning on page 19, after line 6, be adopted:

On page 19, after line 6, insert the following:

Sec. 20. RCW 85.05.410 and 1985 c 396 s 39 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((three))~~ four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

**Sec. 21.** RCW 85.06.380 and 1985 c 396 s 43 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners ~~((shall))~~ may receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including ~~((his))~~ subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

**Sec. 22.** RCW 85.08.320 and 1986 c 278 s 32 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((twenty-five))~~ fifty dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 23. RCW 85.24.080 and 1985 c 396 s 54 are each amended to read as follows:

The members of the board (~~shall~~) may receive as compensation up to (~~twenty-five~~) fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Sec. 24. RCW 86.09.283 and 1985 c 396 s 61 are each amended to read as follows:

The board of directors (~~shall~~) may each receive up to (~~twenty-five~~) fifty dollars for attendance at official meetings of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed four thousand eight hundred dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

On page 1, line 3 of the title, after "85.38.130," strike "and" and on line 4, after "85.38.180" insert ", 85.05.410, 85.06.380, 85.08.320, 85.24.080, and 86.09.283", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, L. Smith; Representatives Haugen, Bray, Ferguson.

#### MOTION

On motion of Senator Roach, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1194 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1194, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1194 as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson,

Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Absent: Senator Owen - 1.

Excused: Senators Amondson, Barr, Bluechel, Matson, McMullen, Pelz, Rinehart, Sellar, Talmadge - 9.

SUBSTITUTE HOUSE BILL NO. 1194, as recommended by the 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.

### REPORT OF CONFERENCE COMMITTEE

**ESHB 1440**

April 26, 1991

Includes "NEW ITEM": YES

Regulating mobile homes.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, Mobile home regulations, have had the same under consideration and we recommend that:

The Senate amendments(s) adopted 4/16/91 be not adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 59.22 RCW to read as follows:

(1) There is hereby imposed a fee of fifteen dollars on every transfer of title issued pursuant to chapter 46.12 RCW on a new or used mobile home where ownership of the mobile home is changed and on each application for the elimination of title under chapter 65.20 RCW. A transfer of title does not include the addition or deletion of a spouse co-owner or a secured interest. The department of licensing or its agents shall collect the fee when processing the application for transfer or elimination of title. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The department of licensing and the state treasurer may enact any rules necessary to carry out this section.

Sec. 2. RCW 59.22.020 and 1988 c 280 s 3 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the mobile home affairs account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

((2)) (3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

~~((3))~~ (4) "Department" means the department of community development.

(5) "Fee" means the mobile home title transfer fee created under RCW 59.21.060.

~~((4))~~ (6) "Fund" means the mobile home park purchase fund created pursuant to RCW 59.22.030.

~~((5))~~ (7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

~~((6))~~ (8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

~~((7))~~ (9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

~~((8))~~ (10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

~~((9))~~ (11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

~~((10))~~ (12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

~~((11))~~ (13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years. or the ownership of individual interests in a mobile home park, or both.

~~((12))~~ (14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

~~((13))~~ (15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

~~((14))~~ (16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

~~((15))~~ (17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

~~((16))~~ (18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 3. RCW 59.22.050 and 1989 c 294 s 1 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of

mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

~~(2) (In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces, (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.~~

~~The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the house of representatives housing committee, and the senate economic development and labor committee.~~

~~(3) In developing these recommendations the office and the task force shall:~~

~~(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;~~

~~(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;~~

~~(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and~~

~~(d) Hold public hearings to allow public input and involvement)) The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.~~

~~(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.~~

NEW SECTION. Sec. 4. A new section is added to chapter 59.22 RCW to read as follows:

(1) A manufactured housing task force is established to study and make recommendations concerning the structure state government should use to regulate manufactured housing in this state. In conducting this study, the task force shall review the structures used in other states, including those states with a commission structure. The task force shall consider the report prepared by the department of licensing, the department of labor and industries, and the department of community development on consolidating mobile home-related functions in conducting its study. The task force may not consider any form of mobile home rent control, but shall consider mobile home park siting and density regulatory issues.

(2) The task force shall submit a final report containing its findings and recommendations to the house of representatives housing committee and the senate commerce and labor committee by December 1, 1992. The task force shall terminate on December 31, 1992.



(3) The task force shall consist of the following members:

(a) Two members of the house of representatives appointed by the speaker of the house of representatives, from different political caucuses;

(b) Two members of the senate appointed by the president of the senate, from different political caucuses;

(c) Two members who represent mobile home park owners, appointed by the governor;

(d) Two members who represent mobile home owners, appointed by the governor;

(e) One member who represents mobile home manufacturers, appointed by the governor;

(f) One member who represents mobile home dealers, appointed by the governor;

(g) One member who represents mobile home transporters, appointed by the governor;

(h) One member who represents local building officials, appointed by the governor;

(i) One member who is either an elected or appointed government official of a county with a population of one hundred thousand or more persons, appointed by the governor;

(j) One member who is either an elected or appointed government official of a county with a population of less than one hundred thousand persons, appointed by the governor;

(k) One member who is either an elected or appointed government official of a city with a population of thirty-five thousand persons, appointed by the governor;

(l) One member who is either an elected or appointed government official of a city with a population of less than thirty-five thousand persons, appointed by the governor;

(m) One member who represents local health officials, appointed by the governor; and

(n) The director, or the director's designee from the department of community development, the department of licensing, the department of labor and industries, and the attorney general's office. The designees shall be nonvoting, ex officio members of the task force.

(4) The members of the task force shall select the chair or co-chairs of the task force.

(5) Staff assistance for the task force will be provided by legislative staff and staff from the agencies or offices listed in subsection (3)(n) of this section.

Sec. 5. RCW 82.08.065 and 1990 c 171 s 8 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. 6.** RCW 82.45.090 and 1990 c 171 s 7 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.

**NEW SECTION. Sec. 7.** The fifteen-dollar fee imposed in section 1 of this act on the transfer or elimination of mobile home titles for deposit in the mobile home affairs account, shall supersede the fifteen dollars collected in RCW 59.21.060 for deposit into the mobile home affairs account on July 1, 1991.

**NEW SECTION. Sec. 8.** A new section is added to chapter 59.21 RCW to read as follows:

The legislature recognizes that it is quite costly to move a mobile home. Many mobile home tenants need financial assistance in order to move their mobile homes from a mobile home park. The purpose of this chapter is to provide a mechanism for assisting mobile home tenants to relocate to suitable alternative sites when the mobile home park in which they reside is closed or converted to another use.

**NEW SECTION. Sec. 9.** A new section is added to chapter 59.21 RCW to read as follows:

Each mobile home park-owner shall pay an annual fee of five dollars for each occupied lot in the mobile home park. Lots that are occupied by mobile homes or recreational vehicles owned by the park-owner are exempt from this fee requirement. The fee shall be due on October 1 of each year. The fee shall be remitted by the park-owner to the department of revenue under rules as the department shall prescribe. The fee imposed under this section shall be forwarded by the department of revenue to the state treasurer for deposit into the mobile home park relocation fund. The

provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

**Sec. 10.** RCW 59.21.010 and 1990 c 171 s 1 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))~~ park-owner fee payments under section 9 of this act as well as park-owner payments when there are insufficient moneys in its fund.

(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. 11.** RCW 59.21.020 and 1990 c 171 s 2 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all ~~((affected))~~ low-income 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 park-owner shall pay the actual relocation expenses, not to exceed two thousand dollars, for the relocation of recreational vehicles used as residences. 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))~~ made from the mobile home park relocation fund unless there are insufficient moneys in the fund.

(4) 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 until July 1, 1992. 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.

(5) The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the park-owner to pay relocation assistance in which the tenant prevails.

(6) If the park-owner does not pay his or her portion of the relocation assistance 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.

(7) 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.~~

~~(9))~~ (8) The director or his or her designee shall approve all expenditures from the fund.

~~((10))~~ (9) 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))~~ (10) 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.

~~((12))~~ (11) 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.

**Sec. 12.** RCW 59.21.050 and 1990 c 171 s 5 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 fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for 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.

**Sec. 13.** RCW 59.21.060 and 1990 c 171 s 6 are each amended to read as follows:

(1) There is hereby imposed a fee of sixty-five dollars on every transfer of title issued pursuant to chapter 46.12 RCW on new or used mobile homes 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)) and on each application for the elimination of title under chapter 65.20 (([RCW])) RCW. The ((county auditor or county treasurer)) department of licensing or its agents shall collect the fee ((as provided in chapter 82.08 or 82.45 RCW)) when processing the application for transfer or elimination of title. 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((s)) and the state treasurer may enact any rules necessary to carry out this section.

(3) This section shall expire July 1, 1992.

**Sec. 14.** RCW 59.21.110 and 1989 c 201 s 15 are each amended to read as follows:

Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this ((aet)) chapter is guilty of a misdemeanor.

NEW SECTION. **Sec. 15.** A new section is added to chapter 59.21 RCW to read as follows:

The department shall waive the requirement for a park-owner to pay relocation assistance under this chapter when the mobile home park is involuntarily closed. A park-owner may not avoid the responsibility to pay relocation assistance by failing to provide necessary maintenance to the park. The department shall adopt rules for the granting of waivers under this section.

NEW SECTION. **Sec. 16.** A new section is added to chapter 59.21 RCW to read as follows:

(1) The legislature finds that existing older mobile homes provide affordable housing to many persons of low income, and that requiring these homes that are legally located in mobile home parks to meet new fire, safety, and construction codes because they are relocating due to the closure or conversion of the mobile home park, compounds the economic burden facing these tenants.

(2) Mobile homes that are relocated due to either the closure or conversion of a mobile home park, may not be required by any city or county to comply with the requirements of any applicable fire, safety, or construction code for the sole reason of its relocation. This section shall only apply if the original occupancy classification of the building is not changed as a result of the move.

(3) This section shall not apply to mobile homes that are substantially remodeled or rehabilitated, nor to any work performed in compliance with installation requirements. For the purpose of determining whether a moved mobile home has been substantially remodeled or rebuilt, any cost relating to preparation for relocation or installation shall not be considered.

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.** RCW 59.22.900 and 1987 c 482 s 12 are each repealed.

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.

NEW SECTION. **Sec. 20.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 59.22.020, 59.22.050, 82.08.065, 82.45.090, 59.21.010, 59.21.020, 59.21.050, 59.21.060, and 59.21.110; adding new sections to chapter 59.22 RCW; adding new sections to chapter 59.21 RCW; creating new sections; repealing RCW 59.22.900; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Matson, Murray, Bluechel; Representatives Nelson, Leonard, Winsley.

### MOTION

On motion of Senator Anderson, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1440 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1440, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1440, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senator Owen - 1.

Excused: Senators Amondson, Barr, Bluechel, Matson, Rinehart, Sellar, Talmadge - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, as recommended by the 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

On motion of Senator Murray, Senators Owen, Skratek and Williams were excused.

## REPORT OF CONFERENCE COMMITTEE

**ESHB 2071**

April 26, 1991

Includes "NEW ITEM": YES

Giving the governor the authority to appoint the medical disciplinary board.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, Medical disciplinary board, have had the same under consideration and we recommend:

That the Senate Committee on Health and Long-Term Care amendment adopted 4/18/91 be not adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.72 RCW to read as follows:

There is hereby created the Washington state medical disciplinary board. The board shall be composed of one holder of a valid license to practice medicine and surgery under this chapter from each congressional district now existing or hereafter

created in the state, four members representing the public, and one physician assistant authorized to practice under chapter 18.71A RCW. The physician assistant member shall vote only on matters relating to the discipline of physician assistants. The members of the board shall be appointed by the governor. The governor may stagger initial terms of appointment and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. The members representing the public shall be persons whose occupations are other than the administration of health activities or the providing of health services, who have no fiduciary obligations to a health facility or other health agency, and who have no material financial interest in the rendering of health services.

Nothing in this section shall affect the current terms of members of the board who are serving on the board on the effective date of this act.

Vacancies on the board shall be filled promptly by the governor, and a member appointed to fill a vacancy on the board shall continue to serve until his or her successor is appointed.

The terms of office of members of the board shall not be affected by changes in congressional district boundaries.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor to the board and shall represent it in legal proceedings.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.72 RCW to read as follows:

To assist in identifying impairment related to alcohol abuse, the board may obtain a copy of the driving record of a physician or a physician assistant maintained by the department of licensing.

**Sec. 3.** RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;



(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 18.72.040 and 1986 c 300 s 2, 1977 c 71 s 1, & 1955 c 202 s 4;

(2) RCW 18.72.050 and 1982 1st ex.s. c 30 s 3, 1977 c 71 s 2, & 1955 c 202 s 5;

(3) RCW 18.72.055 and 1982 1st ex.s. c 30 s 4;

(4) RCW 18.72.060 and 1979 ex.s. c 111 s 2 & 1955 c 202 s 6;

(5) RCW 18.72.070 and 1955 c 202 s 7; and

(6) RCW 18.72.080 and 1955 c 202 s 8.

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 18.130.180; adding new sections to chapter 18.72 RCW; and repealing RCW 18.72.040, 18.72.050, 18.72.055, 18.72.060, 18.72.070, and 18.72.080.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators L. Smith, Johnson; Representatives Braddock, Prentice, Moyer.

### MOTION

Senator Linda Smith moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2071 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Linda Smith that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2071.

The motion by Senator Linda Smith carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2071.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2071, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2071, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 4; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Roach, Saling, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators M. Kreidler, Rasmussen, Snyder, Wojahn - 4.

Excused: Senators Amondson, Barr, Bluechel, Matson, Owen, Rinehart, Sellar, Skratek, Talmadge, Williams - 10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, as recommended by the 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.

## INTRODUCTION OF SPECIAL GUESTS

President Pritchard: "In the south gallery, we have a group of exchange teachers from the Soviet Union who are accompanied by their Washington state host families. The exchange teachers will be here for fourteen days observing and teaching in several areas of our state.

"This is the second delegation from "Educators for Peace and Understanding" to tour our state. A group of Washington state teachers toured the Soviet Union in April of last year.

"We would like for them to stand up and be recognized. We appreciate your attendance."

The Senators gave a standing welcome of applause to the honored guests.

## REPORT OF CONFERENCE COMMITTEE

SHB 1704

April 26, 1991

Includes "NEW ITEM": YES

Changing provisions relating to motor vehicles.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1704, Motor vehicle fuel tax, have had the same under consideration and we recommend:

That the Senate amendment on page 8, line 14, adopted 4/19/91 be not adopted; and that the following amendment beginning on page 24, after line 8, be adopted:

On page 24, after line 8, insert the following:

Sec. 16. RCW 46.01.140 and 1990 c 250 s 89 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These ((additional)) fees, if paid to the county auditor as agent of the director, or if paid to ((an agent)) a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county

auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application(~~(- PROVIDED, That an agent of the county auditor)).~~)

(3) A subagent is entitled to an additional service charge of two dollars. However, from July 1, 1991, through 30, 1992, subagents shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((3))~~ (4) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

**NEW SECTION. Sec. 17.** The director of licensing shall review the costs and revenues of all vehicle licensing agents and subagents and the benefits provided to the communities they serve and submit a report by January 15, 1992, to the legislative transportation committee including the following:

(1) Criteria for determining the costs and benefits of title and registration activities by agents and subagents;

(2) A review of the rate structure for agents and subagents;

(3) A review of other fee structures for counties and subagents;

(4) An estimate of the costs of providing each individual title and registration function;

(5) Consideration of the need for cost allocations, such as a revolving fund or other mechanisms for funding an automated licensing system;

(6) Consideration of the County Auditors' Automation Program (CAAP) system and other changes in methods of providing title and registration services since adoption of the current method of compensating agents and subagents;

(7) Recommendations for a process to allow counties to recover their full costs of vehicle title and registration activities without increasing costs to consumers;

(8) Recommendations for one standard contract to be used by the director of licensing for county auditor agents and one standard contract for subagents, with provisions in each requiring disclosure of all costs and revenues to the director, but protecting the confidentiality of this information;

(9) An examination of alternative methods of providing title and registration services.

**Sec. 18.** RCW 46.01.270 and 1967 c 32 s 4 are each amended to read as follows:

The county auditor may destroy applications for vehicle licenses(~~(,) and any copies of vehicle licenses issued((, applications for vehicle driver's licenses, and copies of issued vehicle driver's licenses, if any there be,))~~) after such records ~~((shall))~~ have been on file in ~~((his))~~ the auditor's office for a period of ~~((three years))~~ eighteen months, unless otherwise directed by the director.

**Sec. 19.** RCW 46.12.101 and 1990 c 238 s 4 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an

odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer (~~(giving the date thereof)~~), the name and address of the owner and of the transferee, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided for that purpose by the department.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 20. RCW 46.16.220 and 1975 1st ex.s. c 118 s 9 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year on and after the forty-fifth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later(~~;~~ PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed)).

Sec. 21. RCW 46.16.381 and 1990 c 24 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) ~~((Loss of both lower limbs))~~ Cannot walk two hundred feet without stopping to rest;

(b) ~~((Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability))~~ Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot ((move)) walk without the ((aid of crutches or a wheelchair)) use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) ~~((Loss of both hands))~~ Uses portable oxygen;

(e) ~~((Suffers from))~~ Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons ~~((with))~~ who qualify for special parking privileges are entitled to receive from the department of licensing ((both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director)) a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of ((the decal and)) regular motor vehicle license plates, ((the)) disabled persons are entitled to receive ((a)) special license ((plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person.)) plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle((s)) or are riding in a vehicle displaying the special license ((plate, card, or decal shall be permitted to)) plates or placard may park in places ((otherwise)) reserved for ((physically)) mobility disabled persons. The director shall ((also)) adopt

rules providing for the issuance of special ~~((cards))~~ placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, senior citizen centers, and private nonprofit agencies as defined in chapter 24.03 RCW that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. ~~The ((special card shall be displayed in a vehicle operated when actually transporting the disabled persons))~~ director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, senior citizen center, or private nonprofit agency if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are responsible for insuring that the special ~~((cards))~~ placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special ~~((decals or))~~ license plates shall be removed from the motor vehicle. ~~((The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director.))~~ If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate ((is used)), the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately ~~((forwarded))~~ surrendered to the director ~~((to be reissued later upon payment of the regular registration fee)).~~

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who ~~((is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall))~~ has a condition expected to improve within six months may be issued a temporary ((card which)) placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the ~~((card))~~ privileges.

(5) Additional fees shall not be charged for the issuance of the special ~~((card and decal, and, at the time the vehicle is originally licensed in this state,))~~ placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon ~~((initial))~~ registration of a motor vehicle.

(6) Any unauthorized use of the special ~~((card, the decal,))~~ placard or the special license plate is a ~~((traffic infraction))~~ misdemeanor.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate ~~((, card, or decal))~~ or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate ~~((, card, or decal))~~ or placard required under this section ~~((or demonstrates that the person was entitled to the special license plate, card, or decal)).~~

(8) It is a misdemeanor for any person to willfully obtain a special ~~((decal,))~~ license plate ~~((, or card))~~ or placard in a manner other than that established under this section.

**Sec. 22.** RCW 46.16.390 and 1984 c 51 s 1 are each amended to read as follows:

A special license plate~~(s)~~ or card~~(s or decal)~~ issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

**Sec. 23.** RCW 46.20.308 and 1989 c 337 s 8 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 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) 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 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, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(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. Upon receipt of such request, 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. For the purposes of this section, the scope of such 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 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. 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.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a)(i) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition or (ii) the person's refusal or inability to submit to a breath test was based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) 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 revoked, 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.

**Sec. 24.** RCW 46.30.020 and 1989 c 353 s 2 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW (~~46.16.310 or 46.16.315~~) 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

**Sec. 25.** RCW 46.61.582 and 1984 c 154 s 5 are each amended to read as follows:

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special (~~card, decal,~~) placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

**Sec. 26.** RCW 46.61.583 and 1984 c 51 s 2 are each amended to read as follows:

A special license plate(~~s~~) or card(~~, or decal~~) issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate(~~s~~) or card(~~, or decal~~) issued by this state.

**Sec. 27.** RCW 46.63.020 and 1990 c 250 s 59 and 1990 c 95 s 3 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(6) or (8) relating to unauthorized use or acquisition of a special ~~((decal,)) placard or license plate((,- or -card))~~ for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.530 relating to racing of vehicles on highways;
- (39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (41) RCW 46.64.020 relating to nonappearance after a written promise;

(42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(43) Chapter 46.65 RCW relating to habitual traffic offenders;

(44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(46) Chapter 46.80 RCW relating to motor vehicle wreckers;

(47) Chapter 46.82 RCW relating to driver's training schools;

(48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 28. RCW 46.70.023 and 1989 c 301 s 2 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the ~~((business))~~ business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed ~~((new motor vehicle))~~ dealer is unable to locate their used vehicle sales facilities adjacent to or at

the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

**Sec. 29.** RCW 35.58.273 and 1990 c 42 s 316 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 .7824 percent and beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as determined under chapter 82.44 RCW, 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.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the (~~fair market~~) value, as determined under chapter 82.44 RCW, 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 (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. 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. 30.** RCW 88.02.030 and 1989 c 393 s 13 and 1989 c 102 s 1 are each reenacted and amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels either (a) registered or numbered under the laws of a country other than the United States; or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;

(4) ~~Vessels (owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter))~~ that have been issued a valid number under federal law or by an approved issuing authority of the state of principal

operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state;

(5) Vessels owned by a resident of another state if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing: PROVIDED, That any vessel owned by a resident of another state is located upon the waters of this state exclusively for repairs, reconstruction or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this state for repair, reconstruction or testing and shall continue to file such affidavit every sixty days thereafter, while the vessel is located upon the waters of this state exclusively for repairs, reconstruction or testing;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 31. RCW 88.02.070 and 1985 c 258 s 4 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: ~~((Transfer of any part or all of the ownership of a vessel registered under this chapter;))~~ Any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

(5) Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, and such description of the vessel, including the hull identification number, the vessel decal number, or both, as may be required by the department.

NEW SECTION. Sec. 32. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may issue confidential vessel registration for law enforcement purposes only to units of local government and to agencies of the federal government.

(2) The department shall limit confidential vessel registrations owned or operated by the state of Washington or by any officer or employee thereof, to confidential, investigative, or undercover work of state law enforcement agencies.

(3) The director may adopt rules governing applications for and the use of confidential vessel registrations by law enforcement and other public agencies.

Sec. 33. RCW 88.02.220 and 1987 c 149 s 11 are each amended to read as follows:

A vessel dealer who receives cash or a negotiable instrument ~~((from a purchaser before delivery of the vessel))~~ of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account.

(1) The cash or negotiable instrument must be set aside immediately upon receipt for the trust account, or endorsed to such a trust account immediately upon receipt.

(2) The cash or negotiable instrument must be deposited in the trust account by the close of banking hours on the day following the receipt.

(3) After delivery of the purchaser's vessel the vessel dealer shall remove the deposited funds from the trust account.

(4) The dealer shall not commingle the purchaser's funds with any other funds at any time.

(5) The funds shall remain in the trust account until the delivery of the purchased vessel. However, ~~((for the purpose of manufacturing a vessel that does not already exist, and))~~ upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

NEW SECTION. Sec. 34. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On line 3 of the title, after "82.36.030," strike the rest of the title and insert "82.38.150, 46.01.140, 46.01.270, 46.12.101, 46.16.220, 46.16.381, 46.16.390, 46.20.308, 46.30.020, 46.61.582, 46.61.583, 46.70.023, 35.58.273, 88.02.070, and 88.02.220; reenacting and amending RCW 46.63.020 and 88.02.030; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 82.42 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an



emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators von Reichbauer, Madsen, Oke; Representatives Cooper, R. Fisher, Mitchell.

### MOTION

On motion of Senator von Reichbauer, the Report of the Conference Committee on Substitute House Bill No. 1704 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1704, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1704, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 1; Absent, 1; Excused, 9.

Voting yea: Senators Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senator Sutherland - 1.

Absent: Senator Anderson - 1.

Excused: Senators Amondson, Barr, Bluechel, Matson, Owen, Rinehart, Sellar, Skratek, Talmadge - 9.

SUBSTITUTE HOUSE BILL NO. 1704, as recommended by the 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.

### REPORT OF CONFERENCE COMMITTEE

**ESHB 1608**

April 26, 1991

Includes "NEW ITEM": YES

Improving services for children.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, Children's services, have had the same under consideration and we recommend:

That the Senate Committee on Children and Family Services amendment(s) adopted 4/19/91 be not adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The department of social and health services shall conduct an assessment of the children in its care to determine the appropriate level of residential and treatment services required by these children. Prior to performing the assessment, the department shall, in conjunction with the private sector, develop a comprehensive, multidisciplinary diagnostic/assessment tool to be used in conducting the assessment. Any such assessment shall be based on a statistically valid sample of all children in the department's care. The department shall report the results of the assessment to the appropriate standing committees of the legislature by September 15, 1992. The department shall submit recommendations to the appropriate standing committees of the legislature on reallocating funds for children's services by December 1, 1992.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services may implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

**NEW SECTION. Sec. 3.** The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs. Gang and drug-involved youths are more likely to become addicted to drugs or alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

**NEW SECTION. Sec. 5.** (1) The department of social and health services may contract with an independent research organization to conduct an evaluation of any program that is established under section 4 of this act. The evaluation shall include an analysis of the race and ethnicity of juvenile offenders served, the offenses for which the youths were committed, the services provided, the effects of the program on educational and vocational achievement, and the rate of recidivism for these youth.

(2) Any organization selected shall provide a preliminary report on the program to appropriate standing committees of the senate and house of representatives by September 15, 1992. Any final report shall be submitted to appropriate standing committees of the senate and house of representatives by January 15, 1993.

**Sec. 6.** RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(3) "Permanency planning" means the process by which a child is diagnostically assessed and provided treatment services based on his or her unique individual and developmental needs to facilitate the attainment of successful maturity as an adult. Permanency planning should occur in the least restrictive setting appropriate and available and with minimum placement disruption.

(4) "Transitional living programs" means programs that provide shelter and services designed to promote transition to self-sufficient living, development of independent living skills, and to minimize the incidence of long-term dependency on social services.

**NEW SECTION.** **Sec. 7.** Out-of-home placement services become necessary whenever voluntary or court-ordered out-of-home placement of a child is imminent or has already occurred. In striving to meet the objective of permanency for every child, a continuum of services must encompass the full range of possible alternatives. A variety of services are available to prevent out-of-home placement or address the needs of the child and family when out-of-home placement becomes necessary, however, the continuum of care is severely lacking in providing transitional living services for older youth.

**NEW SECTION.** **Sec. 8.** A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall contract, using the request for proposal process, with independent qualified agencies to provide transitional living services to minors.

Persons sixteen to eighteen years old or sixteen years old until emancipation are eligible for transitional living services. The population eligible for transitional living services are those for whom returning to their parents' or guardians' home is not possible and for whom foster care or adoption is not likely or appropriate. An assessment shall be done of each minor, including the minor's family situation, before receiving transitional living services. The assessment shall include input from the agency that would be providing the transitional living services to the minor, the agency currently providing services to the minor, and the caseworker for the minor. The assessment shall seek to determine whether the most appropriate plan for the minor is

preparation for emancipation. The assessment shall also determine whether the minor is motivated to participate in a transitional living program that requires significant commitment from the minor. A primary goal of transitional living services shall be the acquisition by the youth of basic educational and/or vocational skills that are compatible with the individual's treatment plan. If a youth demonstrates a consistent unwillingness to participate in the acquisition of such skills, a reassessment shall be done of the youth's appropriateness for the program.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.34 RCW to read as follows:

Transitional living services should be tailored to meet the needs of the particular minor. A transitional living program should include, but is not limited to, the following:

(1) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(2) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(3) Health services including pre and post-natal care;

(4) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(5) Individual and group counseling with emphasis on issues of avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse, depression, motivation, self-esteem, and interpersonal and social skills training and development;

(6) Recognizing and facilitating long-term relationships with significant adults; and

(7) Establishing networks with federal agencies and state and local organizations such as the department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of sections 6 through 9 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 9 of this act shall be null and void.

**NEW SECTION. Sec. 11.** The legislature intends to encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that coordinates existing categorical children's mental health programs and funding, is sensitive to the unique cultural circumstances of children of color, eliminates duplicative case management, and to the greatest extent possible, blends categorical funding to offer more service options to each child.

**NEW SECTION. Sec. 12.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in federal law.

(3) "County authority" means the board of county commissioners or county executive.

(4) "Department" means the department of social and health services.

(5) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(6) "Regional support network" means a county authority or group of county authorities that have entered into contracts with the secretary pursuant to chapter 71.24 RCW.

(7) "Secretary" means the secretary of social and health services.

**NEW SECTION. Sec. 13.** (1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:

(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW; mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.

(b) For each program or service inventoried pursuant to (a) of this subsection:

(i) Statutory authority;

(ii) Level and source of funding state-wide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;

(iii) Agency administering the service state-wide and description of how administration and service delivery are organized and provided at the regional and local level;

(iv) Programmatic or financial eligibility criteria;

(v) Characteristics of, and number of children served state-wide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;

(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and

(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.

(2) The office of financial management, in consultation with the department, shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:

(a) Criteria for screening and assessment of mental illness and emotional disturbance;

(b) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;

(c) Qualifications for children's mental health providers;

(d) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and

(e) Mechanisms to ensure that federal Medicaid matching funds are obtained for services inventoried pursuant to subsection (1) of this section, to the greatest extent practicable.

In developing the plan, the office of financial management shall provide an opportunity for comment by the major child-serving systems and regional support

networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

**NEW SECTION. Sec. 14.** (1) On or before January 1, 1992, each regional support network, or county authority in counties that have not established a regional support network, shall initiate a local planning effort to develop a children's mental health services delivery system.

(2) Representatives of the following agencies or organizations and the following individuals shall participate in the local planning effort:

(a) Representatives of the department of social and health services in the following program areas: Children and family services, medical care, mental health, juvenile rehabilitation, alcohol and substance abuse, and developmental disabilities;

(b) The juvenile courts;

(c) The public health department or health district;

(d) The school districts;

(e) The educational service district serving schools in the county;

(f) Head start or early childhood education and assistance programs;

(g) Community action agencies; and

(h) Children's services providers, including minority mental health providers.

(3) Parents of children in need of mental health services and parents of children of color shall be invited to participate in the local planning effort.

(4) The following information shall be developed through the local planning effort and submitted to the secretary:

(a) A supplement to the county's January 1, 1991, children's mental health services report prepared pursuant to RCW 71.24.049 to include the following data:

(i) The number of children in need of mental health services in the county or counties covered by the local planning effort, including children in school and children receiving services through the department of social and health services division of children and family services, division of developmental disabilities, division of alcohol and substance abuse, and division of juvenile rehabilitation, grouped by severity of their mental illness;

(ii) The number of such children that are underserved or unserved and the types of services needed by such children; and

(iii) The supply of children's mental health specialists in the county or counties covered by the local planning effort.

(b) A children's mental health services delivery plan that includes a description of the following:

(i) Children that will be served, giving consideration to children who are at significant risk of experiencing mental illness, as well as those already experiencing mental illness;

(ii) How appropriate services needed by children served through the plan will be identified and provided, including prevention and identification services;

(iii) How a lead case manager for each child will be identified;

(iv) How funding for existing services will be coordinated to create more flexibility in meeting children's needs. Such funding shall include the services and programs inventoried pursuant to section 13(1) of this act;

(v) How the children's mental health delivery system will incorporate the elements of the early periodic screening, diagnosis, and treatment services plan developed pursuant to section 13(2) of this act; and

(vi) How the children's mental health delivery system will coordinate with the regional support network information system developed pursuant to RCW 71.24.035(5)(g).

(5) In developing the children's mental health services delivery plan, every effort shall be made to reduce duplication in service delivery and promote complementary services among all entities that provide children's services related to mental health.

(6) The children's mental health services delivery plan shall address the needs of children of color through at least the following mechanisms:

(a) Outreach initiatives, services, and modes of service delivery that meet the unique needs of children of color; and

(b) Services to children of color that are culturally relevant and acceptable, as well as linguistically accessible.

NEW SECTION. Sec. 15. A new section is added to chapter 74.13 RCW to read as follows:

Any client of the department, individual complainant, or foster parent who exhausts the department's complaint resolution process and who is subjected to any reprisal or retaliatory action undertaken after the complainant makes his or her complaint known to the department may seek judicial review of the reprisal or retaliatory action in superior court. In such action, the reviewing court may award reasonable attorneys' fees or make written findings that the action was frivolous and advanced without reasonable cause and award expenses as specified in RCW 4.84.185.

Sec. 16. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or the home of a relative care provider by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family in writing of the reasons upon which the decision to move the child was based, at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

or

(b) ~~((The child is being returned home;~~

~~(=)) The child's safety is in jeopardy((; or~~

~~(d) The child is residing in a receiving home or a group home)).~~

(2) If a decision is made by the department or a child-placing agency to move a child to another placement, the foster family parent or relative care provider shall receive written notice of his or her right to request a review of the removal decision regarding a child that is residing in the home of the foster parent or relative pursuant to a court order entered in a proceeding under this chapter through the department's complaint resolution process. Notification of the department's complaint resolution process is not required to be provided if:

(a) A court order has been entered requiring an immediate change in placement;

or

(b) The child is being returned home and a court order has been entered to that effect.

(3) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

~~((=)) (4) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to ((require that a court hearing be held prior to changing a child's foster care placement nor to)) create any substantive custody rights in the foster parents.~~

NEW SECTION. Sec. 17. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 18. Sections 11 through 14 of this act shall constitute a new chapter in Title 71 RCW.

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.

NEW SECTION. **Sec. 20.** Sections 11 through 14 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.

NEW SECTION. **Sec. 21.** If specific funding for the purposes of section 13 of this act, referencing section 13 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 13 of this act shall be null and void.

NEW SECTION. **Sec. 22.** If specific funding for the purposes of section 14 of this act, referencing section 14 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 14 of this act shall be null and void.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.030 and 74.13.300; adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.13 RCW; adding new sections to chapter 13.34 RCW; adding a new chapter to Title 71 RCW; creating new sections; and declaring an emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Talmadge, Roach; Representatives Leonard, Hargrove, Padden.

#### MOTION

On motion of Senator Roach, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1608 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1608, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1608, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 41.

Excused: Senators Amondson, Barr, Bluechel, Matson, Owen, Rinehart, Sellar, Talmadge - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, as recommended by the 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 2:49 p.m., on motion of Senator Newhouse, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:12 p.m. by President Pritchard.

## MESSAGES FROM THE HOUSE

April 27, 1991

## MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5613 without the committee amendment to page 2, after line 29, and with the committee amendment to page 8, line 12, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1991

## MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4418, 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

SB 5984 by Senators Vognild, Gaspard, Rinehart, Owen, Murray, McMullen, Pelz, Stratton, Madsen, Sutherland, Williams, Moore, Talmadge, Skratek, M. Kreidler, A. Smith, Niemi, Wojahn, Conner, Hansen, Rasmussen, Bauer and Snyder

AN ACT Relating to purchase of additional teaching materials; and making an appropriation.

HOLD.

SCR 8412 by Senators Gaspard, Snyder, Bauer and Talmadge

Convening an education summit upon termination of the teacher's strike.

Referred to Committee on Education.

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4418 by Representatives Anderson, Jacobsen, McLean, Pruitt, Vance and Bowman

Creating the joint select committee on open government.

HOLD.

### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5984 and House Concurrent Resolution No. 4418 were advanced to second reading and placed on the second reading calendar.

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

### MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5147 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### REPORT OF CONFERENCE COMMITTEE

SB 5147

April 25, 1991

Includes "NEW ITEM": YES

Protecting alternative dispute resolution processes and mediators and arbitrators from legal action.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5147, Dispute resolution protection, have had the same under consideration and we recommend:

That the House Judiciary Committee amendment adopted 4/18/91 be adopted and that the committee amendment be amended as follows:

On page 1, line 7 of the committee amendment, before "agency" insert "state or federal", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Talmadge, Erwin; Representatives Appelwick, Ludwig, Paris.

## MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Senate Bill No. 5147 was adopted.

## MOTIONS

On motion of Senator Cantu, Senators Anderson, McDonald, Linda Smith, and von Reichbauer were excused.

On motion of Senator Murray, Senator Adam Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5147, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Thorsness, Vognild, West, Williams - 40.

Excused: Senators Anderson, McDonald, Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 9.

SENATE BILL NO. 5147, as recommended by the 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.

## MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, Hine and Miller.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2026.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2026 and the Senate amendments thereto: Senators Barr, Hansen and Newhouse.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 27, 1991

## MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5670 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Riley and Winsley.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator West, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5670.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5670 and the House amendments thereto: Senators West, Niemi and Johnson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 27, 1991

## MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1400 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator West, the Senate receded from its amendments to House Bill No. 1400.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1400 without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Thorsness, Vognild, West, Williams - 40.

Voting nay: Senator Hansen - 1.

Excused: Senators Anderson, Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 8.

HOUSE BILL NO. 1400, without the Senate amendments, having received the 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

April 27, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5170 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

SB 5170

April 25, 1991

Includes "NEW ITEM": YES

Changing the number of district judges.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5170, District judge numbers, have had the same under consideration and we recommend:

That all previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

RCW 3.34.010 and 1989 c 227 s 6 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.

Sec. 1. RCW 3.34.040 and 1984 c 258 s 10 are each amended to read as follows:

A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary ~~((greater than))~~ equal to the maximum salary ~~((provided in RCW 3.58.020(6)))~~ set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary paid for by the county or office space or supplies furnished by the judicial district.

Sec. 2. RCW 3.58.020 and 1984 c 258 s 35 are each amended to read as follows:

~~The annual salaries of part time district judges shall be set by the ((county legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:~~

~~(1) In districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;~~

~~(2) In districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;~~

~~(3) In districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty five thousand dollars;~~

~~(4) In districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;~~

~~(5) In districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty two thousand dollars;~~

~~(6) In districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars)) citizens' commission on salaries.~~

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010, 3.34.040, and 3.58.020; and declaring an emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Erwin, Snyder, Thorsness; Representatives Appelwick, Ludwig, Padden.

### MOTION

On motion of Senator Snyder, the Report of the Conference Committee on Senate Bill No. 5170 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5170, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5170, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Thorsness, Vognild, West, Williams - 41.

Excused: Senators Anderson, Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 8.

SENATE BILL NO. 5170, as recommended by the 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.

### MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5629 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### REPORT OF CONFERENCE COMMITTEE

ESSB 5629

April 25, 1991

Includes "NEW ITEM": YES

Prohibiting unauthorized acts against animal facilities.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, Animal facilities/illegal acts, have had the same under consideration and we recommend:

That all previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These actions substantially disrupt or damage research and result in the potential loss of physical and intellectual property. While the criminal code, particularly the malicious mischief crimes, adequately covers those who intentionally and without authority damage or destroy farm animals, the code does not adequately cover similar misconduct directed against research and educational facilities. Therefore, it is in the interest of the people of the state of Washington to protect the welfare of humans and animals, as well as the productive use of private or public funds, to promote and protect scientific and medical research, foster education, and preserve and enhance agricultural production.

It is the intent of the legislature that the courts in deciding applications for injunctive relief under section 5 of this act give full consideration to the constitutional rights of persons to speak freely, to picket, and to conduct other lawful activities.

NEW SECTION. Sec. 2. A new section is added to chapter 9.08 RCW to read as follows:

A person is guilty of a class C felony: If he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by (a) taking, releasing, destroying, contaminating, or damaging any animal or animals kept in a research or educational facility, where the animal or animals are used or to be used for medical research or other research purposes, or for educational purposes; or (b) destroying or damaging any records, equipment, research product, or other thing pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of



the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by taking, releasing, destroying or damaging any animal or animals kept by a person for agricultural production purposes or by a veterinarian for veterinary purposes; or by destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

(4) "Agricultural production," for purposes of this section, means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

Any individual having reason to believe that he or she may be injured by the commission of an intentional tort under section 3 or 4 of this act may apply for injunctive relief to prevent the occurrence of the tort. Any individual who owns or is employed at a research or educational facility or an agricultural production facility where animals are used for research, educational, or agricultural purposes who is harassed, or believes that he or she is about to be harassed, by an organization, person, or persons whose intent is to stop or modify the facility's use or uses of an animal or animals, may apply for injunctive relief to prevent the harassment.

For the purposes of this section:

(1) "Agricultural production" means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes; and

(2) "Harassment" means any threat, without lawful authority, that the recipient has good reason to fear will be carried out, that is knowingly made for the purpose of stopping or modifying the use of animals, and that either (a) would cause injury to the person or property of the recipient, or result in the recipient's physical confinement or restraint, or (b) is a malicious threat to do any other act intended to substantially cause harm to the recipient's mental health or safety.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 9.08 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties; and declaring an emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Bailey; Representatives Rayburn, Kremen.

### MOTION

On motion of Senator Barr, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5629 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5629, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5629, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Thorsness, Vognild, West, Williams - 41.

Excused: Senators Anderson, Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, as recommended by the 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.

### MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5824 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

ESB 5824

April 26, 1991

Includes "NEW ITEM": NO

Changing provisions relating to the funding of community college summer courses.

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5824, Community college summer courses, have had the same under consideration and we recommend:

That all previous amendments not be adopted, and the following striking amendment be 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 boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student

for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.

(3) The state board for community college education shall ensure compliance with this section.

Sec. 2. RCW 28B.15.502 and 1985 c 390 s 25 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students unless the community college charges fees in accordance with section 1 of this 1991 act.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 15, 1991., and the bill do pass as recommended by the Conference Committee.

Signed by Senators Saling, Patterson; Representatives Jacobsen, Spanel, Van Luven.

### MOTION

On motion of Senator Saling, the Report of the Conference Committee on Engrossed Senate Bill No. 5824 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5824, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5824, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 11; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Patterson, Rasmussen, Saling, Snyder, Stratton, Sutherland, Vognild, West, Williams - 30.

Voting nay: Senators Bluechel, Cantu, Erwin, McDonald, Murray, Niemi, Pelz, Rinehart, Roach, Skratek, Thorsness - 11.

Excused: Senators Anderson, Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 8.

ENGROSSED SENATE BILL NO. 5824, as recommended by the 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.

There being no objection, the Senate resumed consideration of the pending Second Report of the Conference Committee on Substitute House Bill No. 1956, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Williams, the President finds that Substitute House Bill No. 1956 is a measure which, among other things, addresses infested plants, provides a system for exclusion of plant and bee pests and, under certain circumstances, allows for the aerial application of pesticides.

"The proposed Second Conference Committee Report, beginning with Section 23, adds several provisions dealing with the application, notice and record keeping requirements of pesticide use.

"The President, therefore, finds that the proposed Conference Committee Report does not change the scope and object of the bill and that the point of order is not well taken."

The Second Report of the Conference Committee Report on Substitute House Bill No. 1956 was ruled in order.

The President declared the question before the Senate to be the motion by Senator Barr, made earlier today that the Senate do adopt the Second Report of the Conference Committee on Substitute House Bill No. 1956.

The motion by Senator Barr carried and the Senate adopted the Second Report of the Conference Committee on Substitute House Bill No. 1956.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1956, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1956, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, West, Williams - 41.

Excused: Senators Anderson, Owen, Sellar, A. Smith, L. Smith, Thorsness, von Reichbauer, Wojahn - 8.

SUBSTITUTE HOUSE BILL NO. 1956, as recommended by the 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.

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

## MOTION

Senator Amondson moved that the following resolution be adopted:

## SENATE RESOLUTION 1991-8671

By Senator Amondson, Rasmussen, Newhouse, Snyder and Hayner

WHEREAS, Through a 1987 resolution, the Senate ordered the Washington State Department of General Administration to remove two beautiful, but architecturally incompatible murals from the Senate Chamber; and

WHEREAS, Through a subsequent resolution in 1990, the Senate further ordered the Department of General Administration to install the murals in the library at Centralia College; and

WHEREAS, In compliance with the 1987 and 1990 resolutions, the Department of General Administration has removed both murals from the Senate Chamber and has already installed one of them in the designated place at Centralia College; and

WHEREAS, Through an order dated April 3, 1991, in Cause No. 87-2-08597-0, the Superior Court of King County has required the Attorney General of the state of Washington to write to the Senate and pose the following two questions:

1. Is the Senate disposed to reconsider the placement in the Senate Chamber of the murals done by Alden Mason?

If "no", then

2. Is the Senate disposed to permit one mural to be installed temporarily after the current session for viewing by public officials interested in acquiring the murals; and

WHEREAS, After careful consideration and deliberation, the Senate answers both of these questions in the negative; and

WHEREAS, The Senate further desires that the Department of General Administration place the second mural at Centralia College with the first, where both murals can be viewed by those interested in acquiring them;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate formally responds "no" to each of the questions posed by the Attorney General pursuant to the April 3, 1991, order of the Superior Court of King County in Cause No. 87-2-08597-0; and

BE IT FURTHER RESOLVED, That the Senate requests the Department of General Administration to resume its duties under the 1990 resolution by placing in the library at Centralia College the second mural that was removed from the Senate Chamber pursuant to the 1987 resolution; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Attorney General, to Mr. Alden Mason, to the Superior Court of King County, to the Director of the Washington State Department of General Administration, and to the President of Centralia College.

Debate ensued.

#### POINT OF INQUIRY

Senator Amondson: "Senator Nelson, is there a particular position that you have on the murals?"

Senator Nelson: "Number three."

Further debate ensued.

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Resolution 1991-8671 was deferred.

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

#### MESSAGE FROM THE HOUSE

April 15, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.40.020 and 1989 c 284 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 or 28B.16 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 or 28B.16 RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means an employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information.

Sec. 2. RCW 42.40.040 and 1989 c 284 s 3 are each amended to read as follows:

(1) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided. For a period not to exceed thirty days, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. In conducting the investigation, the identity of the ~~((person providing the information which initiated the investigation))~~ whistleblower shall be kept confidential.

(2) In addition to the authority under subsection (1) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(3)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the ~~((person, if known, who provided the information initiating the investigation))~~ whistleblower.

(b) The notification shall be by memorandum containing a summary of the information received, a summary of the results of the preliminary investigation with regard to each allegation of improper governmental action, and any determination made by the auditor under (c) of this subsection.



(c) In any case to which this section applies, the identity of the (~~person who provided the information initiating the investigation~~) whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum containing a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the (~~person who provided the information initiating the investigation~~) whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the (~~provider~~) whistleblower as prescribed under (a), (b), and (c) of this subsection.

(4) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the (~~party, if known, who provided the information initiating the investigation~~) whistleblower and either conduct further investigations or issue a report under subsection (6) of this section. Within sixty days after the thirty-day period in subsection (1) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (1) of this section.

(5)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(6)(a) If the auditor determines that there is reasonable cause to believe that an employee has engaged in any improper activity, the auditor shall report the nature and details of the activity to:

(i) The employee and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits a report of alleged improper activity to the head of an agency, the attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken. If the auditor determines that appropriate action is not being taken within a reasonable time, the auditor shall report the determination to the governor and to the legislature.

(7) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 3. RCW 42.40.050 and 1989 c 284 s 4 are each amended to read as follows:

~~((1) Any employee (a) who provides his or her name and specific information to the auditor on any matter which is found to warrant further investigation or other action, or which is provided by the employee in good faith, as determined by the auditor, whether or not further action is warranted and (b) who is subjected to any reprisal or retaliatory action undertaken during the period beginning on the day after the date on which the specific information is received by the auditor alleging improper governmental action, may seek judicial review of the reprisal or retaliatory action in superior court, whether or not there has been an administrative review of the action. In such an action, the reviewing court may award reasonable attorney's fees.~~

~~(2) The employee who provided specific information shall notify the state auditor in writing if any changes in the employee's work situation exist which are related to the employee's having provided information. If the auditor has reason to believe that such a change in work situation has occurred, the auditor shall investigate and report on the matter in accordance with this chapter.~~

~~(3)) Any person who is a whistleblower, as defined in RCW 42.40.020, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to:~~

~~((a)) (1) Denial of adequate staff to perform duties;~~

~~((b)) (2) Frequent staff changes;~~

~~((c)) (3) Frequent and undesirable office changes;~~

~~((d)) (4) Refusal to assign meaningful work;~~

~~((e)) (5) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;~~

~~((f)) (6) Demotion;~~

~~((g)) (7) Reduction in pay;~~

~~((h)) (8) Denial of promotion;~~

~~((i)) (9) Suspension; ~~and~~~~

~~(j)) (10) Dismissal;~~

~~(11) Denial of employment; and~~

~~(12) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.~~

Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

Sec. 4. RCW 49.60.210 and 1985 c 185 s 18 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

Sec. 5. RCW 49.60.250 and 1989 c 175 s 115 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the

commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, impose a civil penalty upon the retaliator of up to three thousand dollars and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

~~((7))~~ (8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

~~((8))~~ (9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

~~((9))~~ (10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

Sec. 6. RCW 43.09.050 and 1979 c 151 s 91 are each amended to read as follows:

The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Investigate improper governmental activity under chapter 42.40 RCW;

(4) Inform the attorney general in writing of the necessity for ~~((him))~~ the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

~~((4))~~ (5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;

~~((5))~~ (6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

~~((6))~~ (7) Authenticate with his or her official seal papers issued from his or her office;

~~((7))~~ (8) Make his or her official report annually on or before the 31st of December.

Sec. 7. RCW 43.88.160 and 1987 c 505 s 36 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance

between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in ~~((subsections))~~ (a) through (e) ~~((hereof))~~ of this subsection.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount

by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection (~~((3)(e) of this section~~)).

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 8. A new section is added to chapter 42.40 RCW to read as follows:

(1) Each local government is encouraged to adopt a whistleblower program so that its employees can disclose improper governmental actions without fear of retaliation. Each local government and its employees also shall be subject to the provisions of this chapter as if the local government were a state agency and its employees state employees. However, the auditor may decline to investigate a report of improper governmental action from a local government employee if the local government has a whistleblower program that has been approved under subsection (2) of this section and if the local government has agreed to conduct an investigation of the report. For purposes of applying the provisions of this chapter to a local government and its employees, the reference to a "state law or rule" in RCW 42.40.020(3)(a)(ii) also shall include local government laws or rules; and the term "improper governmental action" in RCW 42.40.020(3)(b) also does not include actions covered by a local government civil service system, personnel system, or collective bargaining system or law. A local government employee who is a whistleblower as a result of this subsection is also a whistleblower under chapter 49.60 RCW.

(2) Any local government may submit its whistleblower program to the state auditor and request the auditor to approve the program. The state auditor shall approve any local government program that the auditor finds accomplishes the purposes of the provisions of the state whistleblower program. In considering whether or not to approve a local government whistleblower program, the state auditor shall take into consideration the degree to which local government whistleblower complaints will be investigated and the amount of protection offered to local government whistleblowers against retaliatory actions.

(3) Any person who is a whistleblower under an approved local government whistleblower program also is a whistleblower under RCW 42.40.020 for purposes of the application of chapter 49.60 RCW.

NEW SECTION. Sec. 9. (1) Sections 8 and 11 of this act shall become effective on July 1, 1992.

(2) Prior to July 1, 1992, the state auditor shall establish and consult with a committee to develop model whistleblower programs that meet the intent and requirements of this act and that conform to the structure and procedures of the different types and sizes of affected local governments. The committee will include but not be limited to representatives from cities, counties, school districts, special purpose districts, and at least two employee organizations which represent local government employees. The state auditor shall also consult with the state human rights commission with respect to the development of the model programs.

(3) The committee established in subsection (2) of this section and the state auditor may make recommendations to the legislature by December 1, 1991, on amendments to this act that are necessary to develop workable local government programs.

NEW SECTION. Sec. 10. A new section is added to chapter 42.40 RCW to read as follows:

(1) No local government or local government official or supervisory employee may take any retaliatory action against an employee of the local government as a result of the employee's good faith report of improper governmental action by the local government or by any of its officials or employees. Any person who is retaliated

against in violation of this section has a right of action for damages against the offending local government, official, or employee. In any such action, the court also may require the defendants to cease and desist from such retaliatory action, and to take such affirmative action as the court believes appropriate, including but not limited to reinstatement or upgrading of the employment position. For purposes of this section, the following definitions apply: (a) "Good faith report" means a good faith report to a governmental official or employee who the reporting employee believes possesses authority to investigate the matter reported; (b) "improper governmental action" has the meaning prescribed under RCW 42.40.020(3) except that the reference to "state law or rule" in RCW 42.40.020(3)(a)(ii) also includes local government laws or rules and that "improper governmental action" does not include any action taken under a local government civil service system, personnel system, or collective bargaining system or law; and (c) "retaliatory action" has the meaning prescribed under RCW 42.40.050 for "reprisal or retaliatory action."

(2) This section expires on July 1, 1992. However, any right of action authorized under this section and arising before July 1, 1992, shall not be affected or impaired by the expiration of this section, regardless of whether a complaint is filed before, on, or after July 1, 1992.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.09 RCW to read as follows:

The expense of approving local government whistleblower programs and investigating improper local governmental activity as provided in chapter 42.40 RCW shall be borne by each entity submitting a program for approval or subject to such investigation. Procedures established by the division of municipal corporations concerning the municipal revolving fund shall be made applicable to these investigations and their expenses.

NEW SECTION. **Sec. 12.** The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the human rights commission for the purposes of this act.

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, 49.60.210, 49.60.250, 43.09.050, and 43.88.160; adding new sections to chapter 42.40 RCW; adding a new section to chapter 43.09 RCW; prescribing penalties; making an appropriation; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Newhouse moved that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 5121 and requests of the House a conference thereon.

### MOTION

Senator Madsen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5121.

Debate ensued.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the positive motion by Senator Madsen that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5121.



## ROLL CALL

The Secretary called the roll and the motion by Senator Madsen to concur in the House amendments to Engrossed Substitute Senate Bill No. 5121 failed by the following vote: Yeas, 18; Nays, 24; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Conner, Gaspard, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Sutherland, Vognilid, Williams - 18.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Stratton, Thorsness, West - 24.

Excused: Senators Owen, Sellar, A. Smith, L. Smith, Talmadge, von Reichbauer, Wojahn - 7.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 5121 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 Engrossed Substitute Senate Bill No. 5121 and requests of the House a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5121 and the House amendments thereto: Senators Matson, Skratek and Metcalf.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MOTION

At 6:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Sunday, April 28, 1991.

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

**ONE HUNDRED-FIFTH DAY**-----  
**AFTERNOON SESSION**  
-----

Senate Chamber, Olympia, Sunday, April 28, 1991

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hansen, Metcalf, Sellar and Linda Smith. On motion of Senator Murray, Senator Hansen was excused. On motion of Senator Anderson, Senators Metcalf, Sellar and Linda Smith were excused.

The Color Guard, consisting of Sergeant at Arms Bill Baughman and Bob Baldassin, presented the Colors. Reverend Don Nicholson, pastor of the Victory Christian Center of Olympia, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

April 27, 1991

**MR. PRESIDENT:**

Under suspension of the rules, the House has adopted the Report of the Conference Committee on **SUBSTITUTE HOUSE BILL NO. 1704** and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 27, 1991

**MR. PRESIDENT:**

Under suspension of the rules, the House has adopted the Report of the Conference Committee on **SUBSTITUTE HOUSE BILL NO. 1194** and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 27, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5010 and has passed the bill without said amendment(s), and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 27, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 27, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 27, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

## SECOND READING GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9092, Robert A. Levin, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

### APPOINTMENT OF ROBERT A. LEVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith,

Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Metcalf, Sellar, L. Smith - 4.

### MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9107, John B. L. Pierce, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

### APPOINTMENT OF JOHN B. L. PIERCE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators Hansen, Metcalf, Sellar - 3.

### 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 House Bill No. 1299 and Substitute House Bill No. 1301.

On motion of Senator Newhouse, House Bill No. 1299 and Substitute House Bill No. 1301 were advanced to second reading and placed on the second reading calendar.

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

### MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025 was returned to second reading and the adopted Committee on Human Services amendment was amended by the following floor amendment:

On page 5, line 10 of the Human Services Striking Amendment, strike all of section 8, and renumber the remaining sections accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5025.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5025, as amended by the House, but without Section 8.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025, as amended by the House, but without Section 8, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rinehart, Sellar - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, as amended by the House, but without Section 8, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### REPORT OF CONFERENCE COMMITTEE

**ESHB 1938**

April 27, 1991

Includes "NEW ITEM": YES

Creating a state-wide enhanced 911 network.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, State-wide 911 network, have had the same under consideration and we recommend:

That the Senate Committee on Ways and Means striking amendment(s) adopted 4/19/91 be not adopted; and that the following striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a state-wide emergency communications network of enhanced 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that state-wide implementation of enhanced 911 telephone service is feasible and should be accomplished as soon as practicable.

Sec. 2. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((8))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((9))~~ (10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

- (a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;
- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d) Undertaking other duties in this area that are deemed appropriate by the director.

**NEW SECTION. Sec. 3.** By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by section 4 of this act shall assist and facilitate enhanced 911 implementation throughout the state.

**NEW SECTION. Sec. 4.** A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

- (1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;
- (2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and

(3) Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.

**NEW SECTION. Sec. 5.** The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers northwest, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and representatives of large and small local exchange telephone companies. This section shall expire December 31, 2000.

**NEW SECTION. Sec. 6.** The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

**NEW SECTION. Sec. 7.** A telecommunications company providing emergency communications systems or services or a business or individual providing data base information to emergency communication system personnel shall not be liable for civil damages caused by an act or omission of the company, business, or individual in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to a 911 or enhanced 911 emergency service; or

(2) Design, development, installation, maintenance, or provision of consolidated 911 or enhanced 911 emergency communication systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

**Sec. 8.** RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

~~((The provisions of))~~ (1) This chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) This chapter shall not apply to a 911 or enhanced 911 emergency service as defined in RCW 82.14B.020, for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

**Sec. 9.** RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund enhanced 911 emergency ~~((service))~~ communication systems throughout the state on a multicounty, county-wide, or district-wide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to ~~((vest the legislative authorities of the counties,~~



subject to voter approval, with the power to)) impose an excise tax on the use of ~~((telephone))~~ switched access lines.

Sec. 10. RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "~~((Telephone))~~ Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the ~~((telephone))~~ local exchange company's switching office.

~~((3))~~ (4) "~~((Telephone))~~ Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

Sec. 11. RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read as follows:

~~(1) The legislative authority of a county may impose ((a)) a county enhanced 911 excise tax on the use of ((telephone)) switched access lines in an amount not exceeding fifty cents per month for each ((telephone)) switched access line. The amount of tax shall be uniform for each ((telephone)) switched access line. ((This tax must be approved by a favorable vote of at least three fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three fifths of a number equal to forty per centum of the total votes cast in the county at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in the county in the last preceding general election; or by a majority of at least three fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in the county in the last preceding general election. This tax may be imposed for six years without subsequent voter approval. At any election held under this section, the ballot title of the proposition shall state the maximum monthly rate of the proposed tax which may be imposed by the county legislative authority. The actual rate of tax to be imposed shall be set by ordinance, which rate shall not exceed the maximum monthly rate approved by the electors.~~

~~No tax may be imposed under this section for more than one year before the expected implementation date of an emergency services communication system. The power granted under this section is in addition to any other authority which counties have to fund emergency services communication systems.)~~ Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per month for each switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per month for each switched access line and thereafter shall not exceed ten cents per month for each switched access line. The tax

shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in section 6 of this act.

(3) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 12. RCW 82.14B.040 and 1981 c 160 s 4 are each amended to read as follows:

((A county imposing a)) The state enhanced 911 tax and the county enhanced 911 tax ((under)) created in this chapter shall ((require collection of the tax)) be collected from the user by the ((telephone)) local exchange company providing the switched access line. The ((telephone)) local exchange company shall state the amount of the ((tax)) taxes separately on the billing statement which is sent to the user.

Sec. 13. RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read as follows:

An emergency service communication district is authorized to finance and provide an emergency service communication system and ~~((, if authorized by the voters,))~~ to finance the system by imposing the excise tax authorized in RCW 82.14B.030.

Sec. 14. RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read as follows:

RCW 82.14B.040 through 82.14B.060 apply to any emergency service communication district established under RCW 82.14B.070 ~~((through))~~ and 82.14B.090. ~~((A ballot proposition to authorize the excise tax authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to the voters of a proposed emergency service communication district at the same election the ballot proposition creating the district is submitted. The authority to impose the tax shall only exist if both of these ballot propositions are approved.))~~

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 80.36.550 and 1990 c 260 s 3;
- (2) RCW 80.36.5501 and 1990 c 260 s 2; and
- (3) RCW 82.14B.080 and 1987 c 17 s 2.

NEW SECTION. Sec. 16. Sections 1 and 3 through 7 of this act are each added to chapter 38.52 RCW.

NEW SECTION. Sec. 17. Sections 1 through 6 and 9 through 16 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this act shall be: "Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?"

On page 1, line 1 of the title, after "911;" strike the remainder of the title and insert "amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Snyder, Craswell; Representatives Fraser, Orr, May.

## MOTION

Senator Hayner moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1938 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hayner to adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1938.

The motion by Senator Hayner carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1938.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1938, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1938, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Madsen, McCaslin, Sutherland - 4.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, as recommended by the 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.

## SECOND REPORT OF CONFERENCE COMMITTEE

**EHB 1352**

April 26, 1991

Includes "NEW ITEM": YES

Making confidential certain information acquired by the department of labor and industries.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1352, Labor and Industries confidential information, have had the same under consideration and we recommend:

That the Senate floor amendment adopted 4/12/91 be adopted; and that the following amendments be adopted:

On page 1, beginning on line 13, after "shall not be" strike "released or"

On page 2, line 2, after "shall" strike "not be released" and insert "be deemed confidential and shall not be open to public inspection", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Matson, Skratek, Anderson; Representatives Heavey, Jones, Vance.

#### MOTION

On motion by Senator Matson, the Senate adopted the Second Report of the Conference Committee on Engrossed House Bill No. 1352.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1352, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1352, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 1352, as recommended by the 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.

#### MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on SENATE BILL NO. 5049 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

SB 5049

April 25, 1991

Includes "NEW ITEM": YES

Simplifying disposal of abandoned junk vehicles.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5049, Abandoned junk vehicles, have had the same under consideration and we recommend:

That the following House Transportation Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 46.55.010 and 1989 c 111 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has ((a)) an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 . . . . . Immediately
- (ii) On a highway and tagged as described in RCW 46.55.085. . . . . 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070. . . . . Immediately

(b) Private locations:

- (i) On residential property . . . . . Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070. . . . . Immediately
- (iii) On private, nonresidential property, not posted . . . . . 24 hours

Sec. 2. RCW 46.55.230 and 1987 c 311 s 19 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director ~~((may))~~ shall inspect and ~~((certify that a vehicle meets the requirements of a))~~ may authorize the disposal of an abandoned junk vehicle. The person making the ~~((certification))~~ inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also ~~((describe in detail the damage or missing equipment to))~~ verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall ~~((obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification))~~ mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to ~~((contest the sale of a junk vehicle in a district court hearing))~~ arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner ~~((shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner))~~ may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 3. RCW 46.55.240 and 1989 c 111 s 17 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of ((unauthorized)) junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration

at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

On line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.010, 46.55.230, and 46.55.240.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators McMullen, Oke; Representatives Cooper, Orr, Betzoff.

#### MOTION

On motion of Senator Patterson, the Senate adopted the Report of the Conference Committee on Senate Bill No. 5049.

#### MOTION

On motion of Senator Linda Smith, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5049, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5049, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McDonald, Sellar - 2.

SENATE BILL NO. 5049, as recommended by the 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.

MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5167 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

2SSB 5167

April 25, 1991

Includes "NEW ITEM": YES

Relating to juvenile justice.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5167, Relating to juvenile justice, have had the same under consideration and we recommend:

That the House Judiciary Committee amendments be adopted and that the committee amendments be amended as follows:

On page 3, after line 10 of the committee amendment, insert:

"If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this section, referencing this section by bill number and section, this section shall be null and void.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, A. Smith, Thorsness; Representatives Appelwick, Wineberry, Padden.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Second Substitute Senate Bill No. 5167 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5167, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5167, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5167, as recommended by the 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.

## MESSAGE FROM THE HOUSE

April 27, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on SENATE BILL NO. 5477 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

SB 5477

April 26, 1991

Includes "NEW ITEM": YES

Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5477, Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines, have had the same under consideration and we recommend:

That the House Committee on State Government Amendment be adopted and that the committee amendment be amended as follows:

On page 1 of the State Government Committee amendment, line 23, after "(c)" strike all material through "service;" on line 27 and insert: "a U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, during the

period of armed conflict, December 7, 1941, to August 15, 1945, or a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service during the period of armed conflict December 7, 1941, to August 15, 1945;"

On page 3 of the State Government Committee amendment, line 7, after "armed forces" insert "or to persons defined as "veterans" in RCW 41.04.005"

On page 3 of the State Government Committee amendment, line 17, strike "Other similar organizations do not include any groups defined as "veterans" in RCW 41.04.005.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Oke, Conner; Representatives Anderson, Pruitt, McLean.

### MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Senate Bill No. 5477 was adopted:

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5477, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5477, as recommended by the 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.

### MESSAGE FROM THE HOUSE

April 24, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1268 on page 33, line 1, and page 46, line 18, beyond the scope and object of the bill and refuses to concur in all of the Senate amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator McDonald moved that the Senate do recede from the Senate amendments to Substitute House Bill No. 1268.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, what do we have in position that we could be assured that we would pass a COLA for all the retired employees, so they wouldn't have to lose sixty percent of their income before they would begin to get a minor cost of living raise?"

Senator McDonald: "Senator Rasmussen, as you know, as the budget was passed out, there is some twenty million dollars set aside for COLA. That is going to be spent in exactly the same way as this amendment would have it spent. I think the question is really more of one of money than the language. Certainly, as it has been passed out of here, it would have been preferably to have it in law, but I think that the underlying bill is one that has merit. I don't think we will win this fight this year and I think it is worthwhile having this bill passed."

Senator Rasmussen: "Well, the main bill, yes, I understand that, but I'm interested in--can the COLA be written into the budget?"

Senator McDonald: "Exactly and that is what is going to happen. We have enough dollars to bring it down--the age--down to sixty years old, so that people that are sixty and if you retired at fifty-five, you would only have to wait until sixty in order for it to start counting--the clock to start ticking--as far as the reduction and your buying power."

The President declared the question before the Senate to be the motion by Senator McDonald that the Senate do recede from its amendments to Substitute House Bill No. 1268.

The motion by Senator McDonald carried and the Senate receded from its amendments to Substitute House Bill No. 1268.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1268, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1268, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Williams, Wojahn - 46.

Voting nay: Senators Saling, West - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1268, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

SHB 1401

April 27, 1991

Includes "NEW ITEM": YES

Enacting the Washington taxpayers' rights and responsibilities act.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1401, Taxpayers' rights/responsibilities, have had the same under consideration and we recommend:

That the Senate Ways and Means striking amendment(s) adopted 4/18/91 be not adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known and cited as "Washington taxpayers' rights and responsibilities."

NEW SECTION. Sec. 2. (1) The legislature finds that taxes are one of the most sensitive points of contact between citizens and their government, and that there is a delicate balance between revenue collection and taxpayers' rights and responsibilities. The rights, privacy, and property of Washington taxpayers should be protected adequately during the process of the assessment and collection of taxes.

(2) The legislature further finds that the Washington tax system is based largely on voluntary compliance and that taxpayers have a responsibility to inform themselves about applicable tax laws. The legislature also finds that the rights of the taxpayers and their attendant responsibilities are best implemented where the department of revenue provides accurate tax information, instructions, forms, administrative policies, and procedures to assist taxpayers to voluntarily comply with the provisions of the revenue act, Title 82 RCW, and where taxpayers cooperate in the administration of these provisions.

NEW SECTION. Sec. 3. The department of revenue shall administer this chapter. The department of revenue shall adopt or amend rules as may be necessary to fully implement this chapter and the rights established under this chapter.

NEW SECTION. Sec. 4. The taxpayers of the state of Washington have:

(1) The right to a written explanation of the basis for any tax deficiency assessment, interest, and penalties at the time the assessments are issued;

(2) The right to rely on specific, official written advice and written tax reporting instructions from the department of revenue to that taxpayer, and to have interest, penalties, and in some instances, tax deficiency assessments waived where the taxpayer has so relied to their proven detriment;

(3) The right to redress and relief where tax laws or rules are found to be unconstitutional by the final decision of a court of record and the right to prompt administrative remedies in such cases;

(4) The right to confidentiality and protection from public inquiry regarding financial and business information in the possession of the department of revenue in accordance with the requirements of RCW 82.32.330;

(5) The right to receive, upon request, clear and current tax instructions, rules, procedures, forms, and other tax information; and

(6) The right to a prompt and independent administrative review by the department of revenue of a decision to revoke a tax registration, and to a written determination that either sustains the revocation or reinstates the registration.

**NEW SECTION. Sec. 5.** To ensure consistent application of the revenue laws, taxpayers have certain responsibilities under chapter 82.32 RCW, including, but not limited to, the responsibility to:

- (1) Register with the department of revenue;
- (2) Know their tax reporting obligations, and when they are uncertain about their obligations, seek instructions from the department of revenue;
- (3) Keep accurate and complete business records;
- (4) File accurate returns and pay taxes in a timely manner;
- (5) Ensure the accuracy of the information entered on their tax returns;
- (6) Substantiate claims for refund;
- (7) Timely pay all taxes after closing a business and request cancellation of registration number; and

(8) Timely respond to communications from the department of revenue.

**NEW SECTION. Sec. 6.** The director of revenue shall appoint a taxpayer rights advocate. The advocate shall be responsible for directly assisting taxpayers and their representatives to assure their understanding and utilization of the policies, processes, and procedures available to them in the resolution of problems.

**NEW SECTION. Sec. 7.** The department of revenue shall maintain a taxpayer services program consisting of, but not limited to:

- (1) Providing taxpayer assistance in the form of information, education, and instruction in person, by telephone, or by correspondence;
- (2) Conducting tax workshops at locations most conveniently accessible to the majority of taxpayers affected; and
- (3) Publishing written bulletins, instructions, current revenue laws, rules, court decisions, and interpretive rulings of the department of revenue.

**NEW SECTION. Sec. 8.** Sections 1 through 7 of this act shall constitute a new chapter in Title 82 RCW.

**Sec. 9.** RCW 82.32.050 and 1989 c 378 s 19 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment for tax liabilities arising before January 1, 1992. For tax liabilities arising after December 31, 1991, until the date of payment, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide. ((If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.))

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate,

compounded annually, for the months of January, April, July, and October of the immediately preceding calendar year as published by the United States secretary of the treasury.

(3) No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except ((+)) (a) against a taxpayer who has not registered as required by this chapter, ((2)) (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or ((3)) (c) where a taxpayer has executed a written waiver of such limitation.

Sec. 10. RCW 82.32.060 and 1990 c 69 s 1 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. For refunds of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2), less one percentage point.

Sec. 11. RCW 82.32.090 and 1987 c 502 s 9 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than ((two)) five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ~~((five))~~ ten dollars.

~~((Notwithstanding the foregoing,))~~ (4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(6) The aggregate of penalties imposed under this ~~((chapter))~~ section for failure to ~~((file))~~ pay a tax due on a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed ~~((twenty-five))~~ thirty-five percent of the tax due, or ~~((seven))~~ twenty dollars, whichever is greater.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

NEW SECTION. Sec. 12. 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. 13. Sections 9 through 11 of this act shall take effect January 1, 1992.

On page 1, line 1 of the title, after "responsibilities;" strike the remainder of the title and insert "amending RCW 82.32.050, 82.32.060, and 82.32.090; adding a new chapter to Title 82 RCW; and providing an effective date.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Niemi, Saling; Representatives Wang Fraser, Holland.

### MOTION

On motion of Senator Craswell, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1401.

The President declared the question before the Senate to be the roll call



on the final passage of Substitute House Bill No. 1401, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1401, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Voting nay: Senators Saling, West - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1401, as recommended by the 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

On motion of Senator Anderson, Senator Roach was excused.

### REPORT OF CONFERENCE COMMITTEE

**SHB 1885**

April 27, 1991

Includes "NEW ITEM": YES

Creating the teachers recruiting future teachers program.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1885, Teachers recruiting teachers, have had the same under consideration and we recommend:

That the Senate Committee on Education striking amendment(s) adopted 4/16/91 not be adopted; and that the following striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The teachers recruiting future teachers program is created within the office of the superintendent of public instruction to help enlarge the pool of qualified high school students who are motivated to become teachers.

(2) Subject to funds being appropriated, the superintendent of public instruction shall:

(a) Promote and replicate the teachers recruiting future teachers model program; and

(b) Promote and expand the annual education week program on the campus of Central Washington University or on the campuses of other interested state institutions of higher education.

(3) The superintendent of public instruction, working with the executive director of the teachers recruiting future teachers program and the director of the education week program at Central Washington University, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this section.

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, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Oke; Representatives G. Fisher, Roland, Neher.

#### MOTION

Senator Bailey moved that the Report of the Conference Committee on Substitute House Bill No. 1885 be adopted.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1885, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1885, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Saling, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams - 35.

Voting nay: Senators M. Kreidler, Moore, Murray, Niemi, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, Wojahn - 12.

Excused: Senators Roach, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1885, as recommended by the 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.

## POINT OF ORDER

Senator Murray: "Mr. President, actually I would like to raise two points of order. The Conference Committee Report has not been on our desks for twenty-four hours and secondly, I don't believe that we adopted the Conference Committee Report before we voted on the final passage."

## REPLY BY THE PRESIDENT

President Pritchard: "I'm sorry, but your motions are not timely. You have to make those before we vote. I believe we did move the measure."

## POINT OF ORDER

Senator Vognild: "Mr. President, in regard to the point of order as to whether we adopted the Conference Report, I believe that would be in order even though we have voted, because if we did not adopt it, we then need to know what we voted on."

## REPLY BY THE PRESIDENT

President Pritchard: "Senator Vognild, I think, technically, if you go to final passage, it precludes it, but I am happy to back up if I made an error. It won't be the first one, but I will be happy to go back and we will move the motion and we will go through the process. We are not in that great of rush."

## REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, my concern would be as to the legality of the bill after it passed. Whatever the attorneys and yourself decide on the legality issue, I will certainly accept."

President Pritchard: "Well, the attorneys came up with one opinion, but I want everyone to feel that, you know, we are giving everybody a fair shot at it and we are not in that great of rush, so I will go back and put the motion that was made by Senator Bailey that the Senate adopt the Report of the Conference Committee."

## POINT OF ORDER

Senator Murray: "Mr. President, I rise to a point of order. The bill that we are considering has not been on our desks for twenty-four hours and I believe that we are still under the twenty-four hour rule."

## REPLY BY THE PRESIDENT

President Pritchard: "You are right. It will take a suspension of the rules."

The President declared the question before the Senate to be the suspension of the rules and moving to adopt the Report of the Conference Committee on Substitute House Bill No. 1885.

#### POINT OF ORDER

Senator von Reichbauer: "A point of order, Mr. President. Who made the motion to suspend the rules?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator Bailey."

Senator von Reichbauer: "To be made after the President's ruling, please."

President Pritchard: "All right, do you want to start over on this?"

#### MOTION

Senator Bailey moved that the twenty-four hour rule be suspended and the Report of the Conference Committee on Substitute House Bill No. 1885 be adopted.

Debate ensued.

The President declared the motion before the Senate to be the motion by Senator Bailey to suspend the twenty-four hour rule and adopt the Report of the Conference Committee on Substitute House Bill No. 1885.

The motion to suspend the rules and adopt the Report of the Conference Committee on Substitute House Bill No. 1885 failed to receive a two-thirds majority on a rising vote.

#### MOTION

At 2:14 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:57 p.m. by President Pritchard.

#### MESSAGES FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1243,  
SUBSTITUTE HOUSE BILL NO. 1317,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,  
HOUSE BILL NO. 1536,

SUBSTITUTE HOUSE BILL NO. 1586, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Newhouse, Senate Resolution 1991-8671, deferred April 27, 1991, was referred to the Facilities and Operations Committee.

#### STATEMENT FOR THE JOURNAL

April 28, 1991

Mary Wiley  
Journal/Minute Clerk  
Legislative Building  
Olympia, Washington 98504

RE: Statement to the Journal

Dear Mary:

This afternoon, I missed several votes on the floor of the Senate because I was in meetings with the Governor and Speaker of the House.

For that reason, I would like to submit the following statement for the Senate Journal:

"This afternoon, I missed votes on Substitute House Bill No. 1201, Engrossed House Bill 2093, Engrossed Substitute House Bill No. 2026, Substitute House Bill No. 1885, Gubernatorial Appointment No. 9152, Gubernatorial Appointment No. 9154, Gubernatorial Appointment No. 9155 on the floor of the Senate because I was called away for meetings with the Governor, Speaker of the House and Senate leadership to discuss adjournment of the 1991 regular session."

Sincerely,

MARCUS S. GASPARD, 25TH District

#### MOTION

On motion of Senator Murray, Senator Gaspard was excused.

## REPORT OF CONFERENCE COMMITTEE

SHB 1201

April 26, 1991

Includes "NEW ITEM": YES

Removing references to county classes.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1201, County class references, have had the same under consideration and we recommend:

That the Senate Committee on Governmental Operations striking amendment(s) adopted 4/11/91 not be adopted; and that the following striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices.

Sec. 2. RCW 2.32.180 and 1990 c 186 s 3 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 judge's court (~~held 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, 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, chapter 186, Laws of 1990. 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 or she 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 with a population of one million or more 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~~) each county with a population of from one hundred twenty-five thousand to less than one million 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 or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

**Sec. 3.** RCW 2.32.280 and 1957 c 244 s 5 are each amended to read as follows:

In all counties or judicial districts, except in (~~class AA counties and class A counties and counties of the first class~~) any county with a population of one hundred twenty-five thousand or more, the official reporter shall act as amanuensis to the court for which he or she is appointed.

**Sec. 4.** RCW 3.30.020 and 1987 c 202 s 110 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more: PROVIDED, That any city having a population of more than (~~five~~) four hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class~~) with a population of less than two hundred ten thousand upon a majority vote of its (~~board of~~) county (~~commissioners~~) legislative authority.

**Sec. 5.** RCW 3.38.030 and 1984 c 258 s 25 are each amended to read as follows:

Upon receipt of the districting plan, the county legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall be adopted by the county legislative authority not later than six

months after the ~~((classification of the county as class A))~~ county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution.

**Sec. 6.** RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to read as follows:

Any prior action by the ~~((county commissioners))~~ legislative authority of any county ~~((of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class))~~ with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

**Sec. 7.** RCW 7.06.010 and 1984 c 258 s 511 are each amended to read as follows:

In counties ~~((of the second class and larger))~~ with a population of seventy thousand or more, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

**Sec. 8.** RCW 8.04.080 and 1988 c 188 s 15 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any ~~((third class))~~ county ~~((of lesser classification))~~ with a population of less than seventy thousand, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

**Sec. 9.** RCW 9.73.220 and 1989 c 271 s 203 are each amended to read as follows:

In each superior court judicial district in ~~((class AA and A counties))~~ a county with a population of two hundred ten thousand or more there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated



schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

**Sec. 10.** RCW 13.04.035 and 1979 c 155 s 5 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any (~~class AA~~) county with a population of one million or more, such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

**Sec. 11.** RCW 13.04.093 and 1985 c 354 s 30 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in (~~class 1 through 9 counties~~) each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

**Sec. 12.** RCW 13.20.010 and 1955 c 232 s 1 are each amended to read as follows:

The judges of the superior court of any (~~class AA~~) county with a population of one million or more are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

**Sec. 13.** RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each amended to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any (~~class AA~~) county with a population of one million or more operating under a county charter providing for an elected county executive are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such

county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

**Sec. 14.** RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each amended to read as follows:

Periodic case review of all children in substitute care shall be provided in at least one ~~((class 1 or higher))~~ county with a population of one hundred twenty-five thousand or more, in accordance with this chapter.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this chapter.

**Sec. 15.** RCW 15.60.170 and 1989 c 354 s 64 are each amended to read as follows:

The county legislative authority of any county ~~((of the third class))~~ with a population of from forty thousand to less than seventy thousand located east of the Cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in RCW 15.60.190, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area.

**Sec. 16.** RCW 19.27.160 and 1989 c 246 s 7 are each amended to read as follows:

Any county ~~((of the seventh class))~~ with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

**Sec. 17.** RCW 26.12.050 and 1989 c 199 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in ~~((class "A" counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the family court in disposing of its business:

(a) One or more attorneys to act as family court commissioners, and  
 (b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time

positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

**Sec. 18.** RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended to read as follows:

In each county (~~(of the first, second, third, fourth, fifth, and sixth classes)~~) with a population of from eight thousand to less than one hundred twenty-five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

**Sec. 19.** RCW 27.24.068 and 1975 c 37 s 1 are each amended to read as follows:

In each county (~~(of the seventh and eighth class)~~) with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

**Sec. 20.** RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

**Sec. 21.** RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each amended to read as follows:

After July 1, 1979, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more (~~(and being in a class AA county)~~), shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

**Sec. 22.** RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), if requested by one of the boards

of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

**Sec. 23.** RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the regional committee to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition shall be affirmative, the regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

**Sec. 24.** RCW 28A.315.600 and 1990 c 33 s 320 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

**Sec. 25.** RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

**Sec. 26.** RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

**Sec. 27.** RCW 28A.315.630 and 1990 c 33 s 323 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former

second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

**Sec. 28.** RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

**Sec. 29.** RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

**Sec. 30.** RCW 29.04.200 and 1990 c 184 s 1 are each amended 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))~~ with a population of seventy thousand or more 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))~~ with a population of less than seventy thousand 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. 31. RCW 29.10.180 and 1989 c 261 s 1 are each amended to read as follows:

(1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

~~((2))~~ (3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within forty-five days from the date of mailing or the individual's voter registration will be canceled.

~~((3))~~ (4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the

address information on the permanent registration record no later than the forty-fifth day after the date of mailing the inquiry.

((4)) (5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within forty-five days after the date of mailing.

((5)) (6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

((6)) (7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted.

Sec. 32. RCW 29.13.060 and 1990 c 33 s 563 are each amended to read as follows:

In ~~((class AA and class A counties))~~ each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 33. RCW 29.30.060 and 1990 c 59 s 12 are each amended to read as follows:

Except in ~~((class AA counties))~~ each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in ~~((class AA))~~ counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a ~~((class AA))~~ county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the general election, but the names of candidates for the individual positions need not be shown.

Sec. 34. RCW 29.42.050 and 1987 c 295 s 14 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not



filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a ~~((class AA))~~ county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

**Sec. 35.** RCW 29.42.070 and 1987 c 295 s 15 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district a majority of the precincts of which are within a ~~((class AA))~~ county with a population of one million or more for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

**Sec. 36.** RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended to read as follows:

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition ~~((he or it))~~ the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county ~~((of the first, second or third class))~~ with a population of forty thousand or more--signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

**Sec. 37.** RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of \_\_\_\_\_, or the town of \_\_\_\_\_, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure,

and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a (~~municipal corporation of the fourth class~~) town having a population of fifteen hundred or less, or located in (~~class AA counties~~) a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a (~~municipal corporation of the fourth class~~) town having a population of more than fifteen hundred in (~~counties other than class AA~~) a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of (~~municipal corporations of the fourth class~~) a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original incorporation of (~~municipal corporations of the fourth class~~) a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

**Sec. 38.** RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to read as follows:

Any city, located within a (~~class A~~) county with a population of two hundred ten thousand or more west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

**Sec. 39.** RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a (~~class A county contiguous to a class AA county or class AA~~) county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of one million or more, shall, upon May 21, 1971, as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

**Sec. 40.** RCW 35.58.273 and 1990 c 42 s 316 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~~), as defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .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))~~ (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. As used in this subsection, the term "municipality" means a municipality that is located within one of the following counties: (a) A county with a population of one million or more; (b) a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more; or (c) a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population as described under (b) of this subsection and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .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(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. 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. 41.** RCW 35.81.010 and 1975 c 3 s 1 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city<sup>(;)</sup> or town, or ~~((class AA county or the board of commissioners))~~ the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of

this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

**Sec. 42.** RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each amended to read as follows:

Housing authorities of ~~((first class counties created under this chapter))~~ each county with a population of one hundred twenty-five thousand or more may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

**Sec. 43.** RCW 36.01.130 and 1981 c 75 s 2 are each amended to read as follows:

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county ~~((of any class))~~ may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-

income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Sec. 44. RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended to read as follows:

~~(Whenever)~~ The legislative authority of any county ((determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it)) may order a county census to be taken of all the inhabitants of the county. The expense of such census enumeration shall be paid from the county current expense fund.

Sec. 45. RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended to read as follows:

Whenever any provision of law refers to the population of a county for purposes of distributing funds ((are allocated to counties on the basis of population)) or for any other purpose, the population of the respective counties shall be determined by the most recent census, population estimate ((or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error)) by the office of financial management, or special county census as certified by the office of financial management.

Sec. 46. RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended to read as follows:

In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer((: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner((: PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.

Sec. 47. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer((: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner((: PROVIDED FURTHER,

~~That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.~~

**Sec. 48.** RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in ~~((counties of the eighth class))~~ each county with a population of less than five thousand by unanimous resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor ~~((shall be nine thousand four hundred dollars.~~

~~Beginning January 1, 1974, the salary of such office)), and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than~~ ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

**Sec. 49.** RCW 36.16.050 and 1971 c 71 s 1 are each amended to read as follows:

Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in a county of that class;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

~~((1)) (a) In ((class A, AA, counties and first class counties)) each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;~~

~~((2)) (b) In ((second class counties)) each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;~~

~~((3)) (c) In ((third class counties)) each county with a population of from forty to less than seventy thousand, twenty thousand dollars;~~

~~((4)) (d) In ((fourth class counties)) each county with a population of from eighteen thousand to less than forty thousand, fifteen thousand dollars;~~

~~((5)) (e) In ((fifth class counties)) each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;~~

~~((6)) (f) In ((sixth class counties)) each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;~~

~~((7)) (g) In ((seventh and eighth class)) all other counties, five thousand dollars;~~

~~((8) In ninth class counties, two thousand dollars;))~~

~~(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;~~

~~(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;~~

~~(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:~~

~~((1)) (a) In ((class A, AA, counties)) each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;~~

~~((2)) (b) In ((first class counties)) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;~~

~~((3)) (c) In ((second, third and fourth class counties)) each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;~~

~~((4)) (d) In all other counties, one hundred thousand dollars.~~

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the ~~((chairman))~~ chair may act for the ~~((board of))~~ county ~~((commissioners))~~ legislative authority if it is not in session.

Sec. 50. RCW 36.16.140 and 1965 ex.s. c 23 s 6 are each amended to read as follows:

Public auction sales of property conducted by or for the county or an officer thereof shall be held at such places ~~((on county property as the board of county commissioners))~~ as the county legislative authority may direct.

Sec. 51. RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended to read as follows:

The county officers of the counties of this state~~((, according to their class,))~~ shall receive a salary for the services required of them by law, or by virtue of their office,



which salary shall be full compensation for all services of every kind and description rendered by them.

Sec. 52. RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 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 fifty 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:))~~

~~The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:~~

~~(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of)) the county ((commissioners, coroners)) legislative authority, and coroner, 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)) (2) In each county with a population of from two hundred ten thousand to less than one million: 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)) the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;~~

~~((Counties of the first class)) (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: 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)) the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;~~

~~((Counties of the second class)) (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: 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)) legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;~~

~~((Counties of the third class)) (5) In each county with a population of from forty thousand to less than seventy thousand: 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))~~ legislative authority, thirteen thousand eight hundred dollars; and coroner, four thousand dollars;

~~((Counties of the fourth class))~~ (6) In each county with a population of from eighteen thousand to less than forty thousand: 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; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, eleven thousand dollars;

~~((Counties of the fifth class))~~ (7) In each county with a population of from twelve thousand to less than eighteen thousand: 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; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, nine thousand four hundred dollars;

~~((Counties of the sixth class))~~ (8) In each county with a population of from eight thousand to less than twelve thousand: 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; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, seven thousand dollars;

~~((Counties of the seventh class))~~ (9) In each county with a population of from five thousand to less than eight thousand: 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; and members of ~~((board of))~~ the county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class))~~ (10) In each other county: 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; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, 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 such office: PROVIDED, That the legislative authority of the county shall not reduce 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).~~

Sec. 53. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties ~~((of the eighth and ninth classes))~~ with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a

warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties ~~((of eighth and ninth classes))~~ with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

**Sec. 54.** RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended to read as follows:

In ~~((class AA, class A, first, second and third class counties))~~ each county with a population of forty thousand or more, no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

**Sec. 55.** RCW 36.27.060 and 1989 c 39 s 1 are each amended to read as follows:

(1) The prosecuting ~~((attorneys and their deputies of class four counties and counties with population larger than class four counties))~~ attorney, and deputy prosecuting attorneys, of each county with a population of eighteen thousand or more shall serve full time and except as otherwise provided for in this section shall not engage in the private practice of law.

(2) Deputy prosecuting attorneys in ~~((counties of the second class, third class, and fourth class))~~ a county with a population of from eighteen thousand to less than one hundred twenty-five thousand may serve part time and engage in the private practice of law if the ~~((board of))~~ county ~~((commissioners))~~ legislative authority so provides.

(3) Except as provided in subsection (4) of this section, nothing in this section prohibits a prosecuting attorney or deputy prosecuting attorney in any county from:

(a) Performing legal services for himself or herself or his or her immediate family; or

(b) Performing legal services of a charitable nature.

(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor.

**NEW SECTION. Sec. 56.** A new section is added to chapter 36.28A RCW to read as follows:

The Washington association of sheriffs and police chiefs may, upon request of a county's legislative authority, assist the county in developing and implementing its local law and justice plan. In doing so, the association shall consult with the office of financial management and the department of corrections.

**Sec. 57.** RCW 36.32.240 and 1985 c 169 s 8 are each amended to read as follows:

In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may by resolution establish a county purchasing department ~~((and thereafter such)).~~ The purchasing department shall contract on a competitive basis for all public works, enter into leases on a competitive basis, and purchase ((or lease on a competitive basis)) all supplies, materials, and equipment, on a competitive basis, for all departments of the county((, exclusive of the county hospital, pursuant to the provisions hereof and under

~~such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles, and performance based contracts as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established), except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.~~

Sec. 58. RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are each reenacted and amended to read as follows:

No contract(~~(, lease, or purchase)~~) for public works may be entered into by the county legislative authority or by any elected or appointed officer of (~~(such))~~ the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection(~~(, and)~~). An advertisement ((thereof)) shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, (~~(of)~~) the materials(, ) and equipment(, or service) to be (~~(purchased))~~ furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority(~~(, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities)).~~ An advertisement shall also be ((additionally)) published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done(, AND PROVIDED FURTHER, That). If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper ((only)) shall be sufficient. Such advertisements shall be published at least once ((in each week for two consecutive weeks)) at least ten days prior to the last date upon which bids will be received ((and as many additional publications as shall be determined by the county legislative authority)). The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in (~~(said))~~ the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work(~~(, lease, or purchase)~~) shall be awarded to the lowest responsible bidder(~~(, taking into consideration the quality of the articles or equipment to be purchased or leased)~~). Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract(~~(, lease, or purchase)~~) involving less than ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. (~~(Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less~~

~~than ten thousand dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars.)~~ Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. ~~((Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.))~~

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of one hundred thousand dollars or less, a county must use a small works roster process as provided in section 109 of this act.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

~~((Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.))~~

Sec. 59. RCW 36.32.350 and 1973 1st ex.s. c 195 s 30 are each amended to read as follows:

County ~~((commissioners))~~ legislative authorities may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county ~~((commissioners<sup>2</sup>))~~ legislative authority's budget for the costs of any such services rendered ~~((— PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one half of one cent per thousand dollars of assessed value against the taxable property of the county))~~. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the ~~((board of county commissioners))~~ county legislative authority in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

NEW SECTION. Sec. 60. A new section is added to chapter 36.32 RCW to read as follows:

Each county that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted uses or conditional use permits.

NEW SECTION. Sec. 61. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may

readvertise for additional bidders and vendors if it deems it necessary in the public interest.

**NEW SECTION. Sec. 62.** A new section is added to chapter 36.32 RCW to read as follows:

(1) No contract for the purchase of materials, equipment, supplies, or services may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ten days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in section 110 of this act.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

**NEW SECTION. Sec. 63.** A new section is added to chapter 36.32 RCW to read as follows:

No lease may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. The county shall use the same procedures specified in sections 62 and 110 of this act for awarding contracts for purchases when it leases property from the lowest responsible bidder.

**Sec. 64.** RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each amended to read as follows:

~~((There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall))~~ The county legislative authority of each county with a population of one hundred twenty-five thousand or more shall establish a salary fund to be used for paying the salaries and wages of all officials and employees. ((In counties smaller than counties of the first class)) The county legislative authority of any other county may ((by resolution)) establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

**Sec. 65.** RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each amended to read as follows:

The county legislative authority of any ((class)) county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county

funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

**Sec. 66.** RCW 36.34.020 and 1985 c 469 s 45 are each amended to read as follows:

Whenever the county legislative authority desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two thousand five hundred dollars;
- (4) When the county legislative authority by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in a legal newspaper of general circulation in the county.

**Sec. 67.** RCW 36.34.050 and 1963 c 4 s 36.34.050 are each amended to read as follows:

Within three days after the hearing upon a proposal to dispose of county property, the ~~((board of county commissioners))~~ county legislative authority shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record. The county legislative authority may set a minimum sale price on property that is proposed for sale.

**Sec. 68.** RCW 36.34.080 and 1965 ex.s. c 23 s 1 are each amended to read as follows:

All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be ~~((made by the county treasurer at such place on county property as the board of county commissioners may direct to the highest and best bidder at public auction))~~ supervised by the county treasurer and may be sold at a county or other government agency's public auction, at a privately operated consignment auction that is open to the public, or by sealed bid to the highest and best bidder over minimum sale price as directed by the county legislative authority.

**Sec. 69.** RCW 36.34.090 and 1985 c 469 s 46 are each amended to read as follows:

Whenever county property is to be sold at public auction, consignment auction, or sealed bid, the county auditor shall publish notice thereof once during each of two successive calendar weeks in a newspaper of general circulation in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

**Sec. 70.** RCW 36.34.100 and 1963 c 4 s 36.34.100 are each amended to read as follows:

The notice of sale of county property by auction sale must particularly describe the property to be sold and designate the day and hour and the ~~((place of sale. If real property is to be sold on terms, the terms must be stated in the notice))~~ location of the auction sale. The notice of sale of county property by sealed bid must describe the property to be sold, designate the date and time after which the bids are not received, the location to turn in the sealed bid, and the date, time, and location of the public meeting of the county legislative authority when the bids are opened and read in public.

**Sec. 71.** RCW 36.47.040 and 1977 ex.s. c 221 s 1 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the



cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the ~~((board of county commissioners))~~ legislative authority of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. ~~((The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one half of a cent per thousand dollars of assessed value against the taxable property in such county.))~~

Sec. 72. RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended to read as follows:

Any ~~((class AA or class A))~~ county with a population of two hundred ten thousand or more in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

Sec. 73. RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each amended to read as follows:

The county legislative authority of every ~~((class A, class 1, class 2, or class 3))~~ county with a population of forty thousand or more shall, and the legislative authority of every other county may, within ninety days of July 1, 1975, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county ~~((commissioners))~~ legislative authority. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The ~~((chairman))~~ chair of the conference shall be elected from the members at large.

Sec. 74. RCW 36.58.030 and 1989 c 431 s 27 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in ~~((third class or smaller))~~ counties with a population of less than seventy thousand, and in any ~~((first class))~~ county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, where

detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

**Sec. 75.** RCW 36.58.100 and 1982 c 175 s 1 are each amended to read as follows:

The legislative authority of any county (~~(other than a class AA county)~~) with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than (~~(class AA counties)~~) a county with a population of one million or more.

A solid waste disposal district 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.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

**NEW SECTION. Sec. 76.** A new section is added to chapter 36.62 RCW to read as follows:

All work ordered and materials purchased by a hospital shall be subject to the requirements established in RCW 70.44.140 for public hospital districts.

**Sec. 77.** RCW 36.64.060 and 1985 c 7 s 105 are each amended to read as follows:

Whenever the (~~(board of county commissioners)~~) county legislative authority of a county (~~(of the first class)~~) with a population of one hundred twenty-five thousand or more deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.010. Such construction or aid in construction is a county purpose.

**Sec. 78.** RCW 36.64.070 and 1965 c 24 s 1 are each amended to read as follows:

Any (~~(class AA or class A)~~) county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation,

exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

**Sec. 79.** RCW 36.69.010 and 1990 c 32 s 1 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed (~~in each and every class of county~~) as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

**Sec. 80.** RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended to read as follows:

Whenever a (~~board~~) county legislative authority has approved by motion and certified all or part of a comprehensive plan, no (~~street~~) road, square, park or other public ground or open space shall be acquired by dedication or otherwise (~~no street shall be disposed of, closed or abandoned,~~) and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the (~~board~~) county legislative authority, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the (~~board~~) county legislative authority or other governmental officer or body may indicate, shall be deemed to be approval.

**NEW SECTION.** **Sec. 81.** A new section is added to chapter 36.77 RCW to read as follows:

In lieu of the procedure for awarding contracts that is provided in RCW 36.77.020 through 36.77.040, a county may award contracts for public works projects on county roads with an estimated value of one hundred thousand dollars or less using a small works roster process as provided in section 109 of this act.

**Sec. 82.** RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads (~~for the several classes of counties~~) which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

**Sec. 83.** RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county (~~commissioners~~) legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a (~~county commissioner~~) member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road

administration board is likewise terminated. Three members of the board shall be from counties ~~((of the following classes: Class AA, class A, or first class))~~ with a population of one hundred twenty-five thousand or more. Four members shall be from counties ~~((of the following classes: Second class, third class, fourth class, or fifth class))~~ with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties ~~((of the following classes: Sixth class, seventh class, eighth class, or ninth class))~~ with a population of less than twelve thousand. Not more than one member of the board shall be from any one county.

**Sec. 84.** RCW 36.79.140 and 1990 c 42 s 104 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))~~ with a population of from five thousand to less than eight thousand 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. 85.** RCW 36.80.010 and 1984 c 11 s 1 are each amended to read as follows:

The ~~((board))~~ county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer residing in the county. ~~((In seventh, eighth, and ninth class counties it may employ))~~ The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis who need not be a resident of the county, or ((#)) may contract with ((other counties)) another county for the engineering services of a county road engineer from such other ((counties)) county.

**Sec. 86.** RCW 36.81.130 and 1975 1st ex.s. c 21 s 4 are each amended to read as follows:

The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in ~~((July))~~ October of each year each county road engineer shall file with the county legislative authority a recommended plan for the

laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects, including capital expenditures for ferries, docks, and related facilities, and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

~~(Within two weeks after the)~~ After filing of the road engineer's recommended plan, the county legislative authority shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the members of the county legislative authority has been adopted: PROVIDED, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county legislative authority.

**Sec. 87.** RCW 36.82.020 and 1963 c 4 s 36.82.020 are each amended to read as follows:

Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes ~~((entirely within the limits of the road district from which the same was or is collected: PROVIDED, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county))~~.

**Sec. 88.** RCW 36.82.160 and 1969 ex.s. c 182 s 14 are each amended to read as follows:

Each ~~((board of county commissioners))~~ county legislative authority, with the assistance of the county road engineer, shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in the county for the ensuing fiscal year. In the preparation and adoption of the county road budget the ~~((board))~~ legislative authority shall determine and budget ~~((the respective percentages of the))~~ sums to become available for the following county road purposes: (1) Administration; (2) bond and warrant retirement; (3) maintenance; (4) construction; (5) operation of equipment rental and revolving fund; and (6) such other items relating to the county road budget as may be required by the county road administration board; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

**Sec. 89.** RCW 36.87.020 and 1985 c 369 s 4 are each amended to read as follows:

~~((Ten freeholders residing in the vicinity of))~~ Owners of the majority of the frontage on any county road or portion thereof may petition the county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses.

NEW SECTION. **Sec. 90.** A new section is added to chapter 36.88 RCW to read as follows:

At its option, a county may include the value of right of way or property that is donated or given to the county for purposes of an improvement to be financed by a road improvement district, together with the costs of acquiring other rights of way or property for the improvement that was not donated or given to the county, in the costs of the improvement and credit or reduce the assessments imposed on benefited property for the value of the right of way or property that the owner of the benefited property donated or gave to the county for the improvement.

**Sec. 91.** RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended to read as follows:

(1) There is hereby created and established in each (~~class AA and class A~~) county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other (~~class~~) county in the following manner:

(a) The (~~board of~~) county (~~commissioners~~) legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the (~~board of~~) county (~~commissioners~~) legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the (~~board of~~) county (~~commissioners~~) legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than (~~thirty~~) forty-five days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

**Sec. 92.** RCW 36.93.040 and 1967 c 189 s 4 are each amended to read as follows:

For the purposes of this chapter, (~~counties other than class AA and class A~~) each county with a population of less than two hundred ten thousand shall be deemed to have established a boundary review board(~~s~~) on and after the date a proposition for establishing the same has been approved at an election as provided for in RCW 36.93.030, or on and after the date of adoption of a resolution of the (~~board of~~) county (~~commissioners~~) legislative authority establishing the same as provided for in RCW 36.93.030.

**Sec. 93.** RCW 36.93.051 and 1989 c 84 s 17 are each amended to read as follows:

The boundary review board in (~~class AA counties~~) each county with a population of one million or more shall consist of eleven members chosen as follows:

(1) Three persons shall be appointed by the governor;

(2) Three persons shall be appointed by the county appointing authority;

(3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and

(4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

**Sec. 94.** RCW 36.93.061 and 1989 c 84 s 18 are each amended to read as follows:

The boundary review board in (~~(all counties other than class AA counties)~~) each county with a population of less than one million shall consist of five members chosen as follows:

(1) Two persons shall be appointed by the governor;

(2) One person shall be appointed by the county appointing authority;

(3) One person shall be appointed by the mayors of the cities and towns located within the county; and

(4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

**Sec. 95.** RCW 36.93.063 and 1989 c 84 s 19 are each amended to read as follows:

The executive of the county shall make the appointments under RCW 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county (~~(becomes a class AA county)~~) obtains a population of one million or more. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county (~~(becomes a class AA county)~~) obtains a population of one million or more.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.



**Sec. 96.** RCW 36.93.100 and 1989 c 84 s 3 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a (~~class AA~~) county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

**Sec. 97.** RCW 36.93.140 and 1967 c 189 s 14 are each amended to read as follows:

Actions described in RCW 36.93.090 which are pending July 1, 1967, or actions in counties (~~other than class AA or class A~~) with populations of less than two hundred ten thousand which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

**Sec. 98.** RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended to read as follows:

A district's boundary may include any part or all of any (~~class~~) county and may include any part or all of any incorporated area located within the county. A

district's boundary may not include any territory already being served by a cable TV system (CATV) unless on August 9, 1971, there is a translator station retransmitting television signals to such territory.

**NEW SECTION. Sec. 99. PURPOSE.** Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

**NEW SECTION. Sec. 100. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

**NEW SECTION. Sec. 101. MINIMUM REQUIREMENTS FOR A COMMUNITY COUNCIL.** A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

**NEW SECTION. Sec. 102. CREATION.** (1) The process to create a community council shall be initiated by the filing of petitions with the county auditor of the county in which the community is located which: (a) Call for the creation of a community council; (b) set forth the boundaries for the community; (c) indicate the number of community councilmembers, which shall be five, seven, nine, or eleven; and (d) contain signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. The county auditor shall determine if the petitions contain a sufficient number of valid signatures and certify the sufficiency of the petitions within fifteen days of when the petitions were filed. If the petitions are certified as having sufficient valid signatures, the county auditor shall transmit the petitions and certificate to the county legislative authority.

(2) The county legislative authority shall hold a public hearing within the community on the creation of the proposed community council no later than sixty days after the petitions and certificate of sufficiency were transmitted to the county legislative authority. Notice of the public hearing shall be published in a newspaper of general circulation in the community for at least once a week for two consecutive weeks, with the last date of publication no more than ten days prior to the date of the

public hearing. At least ten days before the public hearing, additional notice shall be posted conspicuously in at least five places within the proposed community in a manner designed to attract public attention.

(3) After receiving testimony on the creation of the proposed community council, the county legislative authority may alter the boundaries of the community, but the boundaries may not be altered to reduce the number of persons living within the community by more than ten percent or below the minimum number of residents who must reside within the community at the time of the creation of the community council. If territory is added to the community, another public hearing on the proposal shall be held.

(4) The county legislative authority shall call a special election within the community to determine whether the proposed community council shall be created, and to elect the initial community councilmembers, at the next state general election occurring seventy-five or more days after the initial public hearing on the creation of the proposed community council. The community council shall be created if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 103. ELECTION OF INITIAL COMMUNITY COUNCILMEMBERS. The initial members of the community council shall be elected at the same election as the ballot proposition is submitted authorizing the creation of the community council. However, the election of the initial community councilmembers shall be null and void if the ballot proposition authorizing the creation of the community council is not approved.

No primary election shall be held to nominate candidates for initial council positions. The initial community council shall consist of the candidate for each council position who receives the greatest number of votes for that council position. Staggering of terms of office shall be accomplished by having the majority of the winning candidates who receive the greatest number of votes being elected to four-year terms of office, and the remaining winning candidates being elected to two-year terms of office, if the election was held in an even-numbered year, or the majority of the winning candidates who receive the greatest number of votes being elected to three-year terms of office, and the remaining winning candidates being elected to one-year terms of office, if the election was held in an odd-numbered year, with the term computed from the first day of January in the year following the election. Initial councilmembers shall take office immediately when qualified in accordance with RCW 29.01.135.

However, where the county operates under a charter providing for the election of members of the county legislative authority in odd-numbered years, the terms of office of the initial councilmembers shall be four years and two years, if the election of the initial councilmembers was held on an odd-numbered year, or three years and one year, if the election of the initial councilmembers was held on an even-numbered year.

NEW SECTION. Sec. 104. COMMUNITY COUNCILMEMBERS. Community councilmembers shall be elected to staggered four-year terms until their successors are elected and qualified. Each council position shall be numbered separately. Candidates shall run for specific council positions. The number of council positions shall be five, seven, nine, or eleven, as specified in the petition calling for the creation of the community council.

Community councilmembers shall be nominated and elected at nonpartisan elections pursuant to general election laws, except the elections shall be held in even-numbered years, unless the county operates under a charter and members of the county legislative authority are elected in odd-numbered years, in which case, community councilmembers shall be elected in odd-numbered years.

The provisions of this section apply to the election and terms of office of the initial community councilmembers, except as provided in section 103 of this act.

A councilmember shall lose his or her council position if his or her primary residence no longer is located within the community. Vacancies on a community council shall be filled by action of the remaining councilmembers.

**NEW SECTION. Sec. 105. RESPONSIBILITY OF COUNTY LEGISLATIVE AUTHORITY.** (1) Within ninety days of the election at which a community council is created, the county legislative authority shall adopt an ordinance establishing policies and conditions and designating portions or components of the county comprehensive plan and zoning ordinances that serve as an overall guide and framework for the development of proposed community comprehensive plans and proposed community zoning ordinances. The conditions and policies shall conform with the requirements of chapter 36.70A RCW.

(2) Proposed community comprehensive plans and proposed community zoning ordinances that are adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the proposed plans and proposed ordinances with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed plans and proposed ordinances as adopted, or refer the proposed plans and proposed ordinances back to the community council with written findings specifying the inconsistencies, within ninety days after they were submitted. The county comprehensive plan, or subarea plan and comprehensive plan, and zoning ordinances shall remain in effect in the community until the proposed community comprehensive plans and proposed community zoning ordinances have been approved as provided in this subsection.

(3) Each proposed amendment to approved community comprehensive plans or approved community zoning ordinances that is adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the amendment with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed amendment as adopted or refer the proposed amendment back to the community council with written findings specifying the inconsistencies within ninety days after the proposed amendment was submitted. The unamended community comprehensive plans and unamended community zoning ordinances shall remain in effect in the community until the proposed amendment has been approved as provided in this subsection.

(4) If the county legislative authority amends the ordinance it adopted under subsection (1) of this section, a community council shall be given at least one hundred twenty days to amend its community comprehensive plans and community zoning ordinances to be consistent with this amended ordinance. However, the county legislative authority may amend the community comprehensive plans and community zoning ordinances to achieve consistency with this amended ordinance. Nothing in this subsection shall preclude a community council from subsequently obtaining approval of its proposed community comprehensive plans and proposed community zoning ordinances.

(5) Approved community comprehensive plans and approved community zoning ordinances shall be enforced by the county as if they had been adopted by the county legislative authority. All quasi-judicial actions and permits relating to these plans and ordinances shall be made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall provide administrative and staff support for each community council within its boundaries.

**NEW SECTION. Sec. 106. POWERS OF A COMMUNITY COUNCIL.** A community council shall adopt proposed community comprehensive plans and proposed community zoning ordinances as provided in section 105 of this act. Community councils shall not have the authority to take quasi-judicial actions nor to decide permit

applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

**NEW SECTION. Sec. 107. ANNEXATION.** A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition: (a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

A ballot proposition authorizing the annexation shall be submitted to the voters of the area that is proposed to be annexed at a primary or general election in either an odd-numbered or even-numbered year, if the community council initiated the annexation by resolution or if the community council concurs in an annexation that was initiated by the submission of annexation petitions containing sufficient valid signatures. The annexation shall occur if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition. The county's comprehensive plan, and where applicable to the county's subarea plan, and zoning ordinances shall continue in effect in the annexed area until proposed amendments to the approved community comprehensive plans and approved community zoning ordinance have been approved that apply to the annexed area.

**NEW SECTION. Sec. 108. DISSOLUTION.** A community council shall be dissolved if the population of the community is reduced to less than five hundred persons, or less than two hundred persons if the community only includes an entire island.

At the next general election at which community councilmembers would be elected, occurring at least four years after the creation or reestablishment of a community, a ballot proposition shall be submitted to the voters of the community on whether the community shall be reestablished. If reestablished, the newly elected members of the community council and the retained members of the community council shall constitute the members of the community council.

**NEW SECTION. Sec. 109.** A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for public works projects by those counties that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the county.

(2) Counties may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least once a year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the county shall establish a procedure for securing telephone or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

**NEW SECTION. Sec. 110.** A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for the purchase of any materials, equipment, supplies, or services by those counties that are authorized to use this process in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the awarding of contracts for purchases, for the county.

(2) At least once per year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of vendor lists and solicit the names of vendors for the lists. Counties shall by resolution establish a procedure for securing telephone or written quotations, or both, from at least three different vendors whenever possible to assure that a competitive price is established and for awarding the contracts for the purchase of any materials, equipment, supplies, or services to the lowest responsible bidder as defined in RCW 43.19.1911. Immediately after the award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

**NEW SECTION. Sec. 111.** A new section is added to chapter 39.04 RCW to read as follows:

Any county that utilizes the small works roster process established in section 109 of this act to award contracts for public works projects, or the uniform process established in section 110 of this act to award contracts for purchases, must post a list of the contracts awarded under sections 109 and 110 of this act at least once every two months. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

**NEW SECTION. Sec. 112.** A new section is added to chapter 39.30 RCW to read as follows:

Any county may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

**Sec. 113.** RCW 40.04.100 and 1979 c 151 s 49 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him or her.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he or she shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his or her office in the attorney general's suite; three copies for the office of prosecuting attorney, in ~~((class A counties))~~ each county with a population of two hundred ten thousand or more; two copies for such office in ~~((first class counties))~~ each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of financial management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in ~~((class AA counties, class A counties and in counties of the first, second and third class))~~ each county with a population of forty thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

**Sec. 114.** RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows:

Any counties ~~((of the fourth class or of lesser classifications))~~ with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

**Sec. 115.** RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any ~~((class AA))~~ county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties

of the commission under RCW 41.14.120 shall not be assigned to any other body but shall continue to be vested in the commission, which shall exist to perform such powers and duties, together with such other adjudicative functions as may be designated by charter or ordinance.

**Sec. 116.** RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the county sheriff in every county and an additional number of positions, designated the unclassified service, determined as follows:

Staff Personnel	Unclassified Position Appointments
1 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 and over	6

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The county legislative authority of any ((class AA)) county with a population of five hundred thousand or more operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions.

**Sec. 117.** RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended to read as follows:

The county legislative ((body of each class AA and A)) authority or each county with a population of two hundred ten thousand or more may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

**Sec. 118.** RCW 41.28.020 and 1939 c 207 s 3 are each amended to read as follows:

A retirement system is hereby created and established in each city of the first class in each ((first-class)) county with a population of one hundred twenty-five thousand or more to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work



which any city council, city commission or board of administration shall deem necessary.

**Sec. 119.** RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county ~~((of the second class or larger))~~ with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

**Sec. 120.** RCW 42.23.030 and 1990 c 33 s 573 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county (~~of the first class or higher~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county (~~of the first class or higher~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a third class city or town (~~of the third, or fourth class~~), or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

**Sec. 121.** RCW 43.99C.045 and 1989 c 265 s 1 are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this

chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each (~~sixth, seventh, or eighth class~~) county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a (~~class-AA~~) county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

**Sec. 122.** RCW 46.09.240 and 1986 c 206 s 9 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county (~~of class four or lower~~) with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that (~~is class three or above~~) has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee

for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

**Sec. 123.** RCW 46.52.100 and 1987 c 3 s 18 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties ((of class A and of the first class)) with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

**Sec. 124.** RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city

members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) Appointments of county and city representatives shall be made by the secretary of the department of transportation, with initial appointments to be made by July 1, 1988. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section, terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

**Sec. 125.** RCW 47.76.030 and 1990 c 43 s 11 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;  
 (c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

**Sec. 126.** RCW 47.76.040 and 1985 c 432 s 3 are each amended to read as follows:

The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

**Sec. 127.** RCW 47.76.160 and 1990 c 43 s 7 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

**Sec. 128.** RCW 53.12.010 and 1965 c 51 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. In any port ((districts located in a class AA) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

**Sec. 129.** RCW 53.12.020 and 1986 c 262 s 2 are each amended to read as follows:

In a port ((districts located in a class AA) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more no person shall be eligible to hold the office of port commissioner unless he or she is a qualified voter of the district. In all other port districts (~~except those located in a class AA county~~) the person must be a qualified voter of the commissioner district from which he or she is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

**Sec. 130.** RCW 53.12.035 and 1965 c 51 s 3 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ~~((with five commissioners in existence on July 1, 1965))~~ that transition from a three-member board to a five-member board, the

respective numbered port commissioner positions shall correspond to the numbers of the county (~~(commissioner)~~) legislative authority districts from which the three original commissioners in the port districts were elected, (~~with the central district being numbered one~~) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district. c

**Sec. 131.** RCW 53.12.035 and 1990 c 59 s 108 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ((with five commissioners in existence on July 1, 1965,)) that transition from a three-member board to a five-member board the respective numbered port commissioner positions shall correspond to the numbers of the county (~~(commissioner)~~) legislative authority districts from which the three original commissioners in the port districts were elected, (~~with the central district being numbered one~~) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

**Sec. 132.** RCW 53.25.100 and 1955 c 73 s 10 are each amended to read as follows:

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial



uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties ~~((of the first class))~~ with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

**Sec. 133.** RCW 53.31.020 and 1986 c 276 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Port district" means any port district other than a county-wide port district in a ~~((class A or AA))~~ county with a population of two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

**Sec. 134.** RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county ~~((of the sixth class))~~ with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

**Sec. 135.** RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: PROVIDED, That the affirmative vote of three-

fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: PROVIDED FURTHER, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: PROVIDED FURTHER, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: PROVIDED FURTHER, That a public utility district located in a (~~fifth class~~) county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: AND PROVIDED FURTHER, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

**Sec. 136.** RCW 56.04.120 and 1979 c 35 s 1 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in (~~third class counties~~) a county with a population of from forty thousand to less than seventy thousand shall become sewer districts and shall be operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the (~~board of~~) county (~~commissioners~~) legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the (~~board of~~) county (~~commissioners~~) legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a (~~third class~~) county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a (~~third class~~) county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of a sewer district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW 56.12.020.

**Sec. 137.** RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended to read as follows:

Water, sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts", which are located wholly or in part within a (~~class AA or A~~) county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

**Sec. 138.** RCW 67.28.090 and 1967 c 236 s 2 are each amended to read as follows:

There is created a stadium commission to consist of six members to be selected as follows:

The governor shall appoint a (~~chairman~~) chair and one other member of the commission.

Any (~~class AA county, class A county, or first class~~) county with a population of one hundred twenty-five thousand or more may within ninety days following June 8, 1967 submit to the governor a request that the commission conduct a study and investigation as provided in RCW 67.28.100 relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him or her shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the (~~board of~~) county (~~commissioners~~) legislative authority of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the (~~chairman~~) chair of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

**Sec. 139.** RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the

renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class-AA-counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class-AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art museums, cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all

expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

**Sec. 140.** RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a ~~((class-AA))~~ county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

**Sec. 141.** RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the ~~((board of county commissioners))~~ county legislative authority of the county shall pass a resolution to organize such a health district under chapter 70.05 RCW and RCW 70.46.020 through 70.46.090. The district board of health of such district shall consist of not less than five members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county:

PROVIDED, That if such health district consists of a county (~~of the second class~~) with a population of from seventy thousand to less than one hundred twenty-five thousand, the district board of health shall consist of not less than six members, including the three members of the (~~board of county commissioners~~) county legislative authority of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

**Sec. 142.** RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each (~~fourth class or larger~~) county with a population of eighteen thousand or more and the governing body of each city with a population in excess of ten thousand shall provide by July 1, 1980<sub>2</sub> for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each (~~fifth class or smaller~~) county with a population of eighteen thousand or less shall by July 1, 1980<sub>2</sub> make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

**Sec. 143.** RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties (~~of the first class, class A or class AA,~~) with populations of one hundred twenty-five thousand or more are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or members of county (~~commissioners~~) legislative authorities or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

**Sec. 144.** RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((other than a first class, class A or class AA county))~~ with a population of less than one hundred twenty-five thousand may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority determines as a result of the public hearing that:

- (1) Air pollution exists or is likely to occur; and
- (2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, ~~((they))~~ it shall by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

**Sec. 145.** RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

**Sec. 146.** RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In ~~((class A counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

- (1) One or more attorneys to act as mental health commissioners; and
- (2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law.

**Sec. 147.** RCW 71.24.045 and 1991 c 29 s 2 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

- (a) Outpatient services;
- (b) Emergency care services for twenty-four hours per day;
- (c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment

includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work;

(f) Consultation and education services;

(g) Residential and inpatient services, if the county chooses to provide such optional services; and

(h) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective(-);

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is ~~((equal to or greater than that of a county of the first class))~~ one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

**Sec. 148.** RCW 72.09.300 and 1987 c 312 s 3 are each amended to read as follows:

(1) A county legislative authority may by resolution or ordinance establish a ~~((community corrections board which shall consist of nine members))~~ local law and



justice council. The county legislative authority shall ((appoint four members to the board, two of whom shall be from the private sector. The secretary shall appoint one member to the board. In addition, the county prosecutor and county sheriff, or their designees, a judge of the county superior court selected by the county superior court judges, and a county district court judge, selected by the county district court judges, shall be members of the board)) determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) ((If) A combination of counties ((establishes)) may establish a ((community corrections board, an)) local law and justice council by intergovernmental agreement ((shall establish the composition and powers of the board, not to exceed the authority granted in this section)). The agreement shall comply with the requirements of this section.

(3) The ((community corrections board)) local law and justice council shall develop a ((community corrections)) local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan shall also include a section on jail management. This section may include the following elements:

(a) A description of current jail conditions, including whether the jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

(d) A description of the jail population as it presently exists and how it is projected to change in the future;

(e) A description of projected future resource requirements;

(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;

(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;

(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;

(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide ((technical)) the requested assistance ((in developing the plan. The plan shall describe the existing correctional resources, goals, objectives, needs, and problems for local and state correctional services in the county. The plan shall review ways to maximize resources and reduce duplication of services. Areas to be addressed in the

plan include, but are not limited to: Voluntary services for offenders, which include employment, substance and alcohol abuse services, housing and mental health services; ways to share administrative costs between local and state government; and the development of alternatives to partial and total confinement).

~~((4))~~ (7) The secretary ~~((shall))~~ may adopt rules for the submittal ~~((and)),~~ review, and approval of all ~~((plans. Representatives from other state and local agencies and organizations shall participate in the review process. Initiatives that reduce the duplication of services or maximize the use of existing resources shall be given priority))~~ requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

~~((5))~~ (8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any ~~((partnerships))~~ local government, approved pursuant to this section, shall not operate to reduce this base level of services.

**Sec. 149.** RCW 72.09.050 and 1987 c 312 s 4 are each amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with ~~((community corrections boards))~~ local law and justice councils shall be required in the ~~((community corrections))~~ local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his functions or duties to department employees. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

**Sec. 150.** RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended to read as follows:

The prosecuting attorney of any county except ~~((class AA counties))~~ a county with a population of one million or more may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in intercounty proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be

empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

**Sec. 151.** RCW 76.12.030 and 1988 c 128 s 24 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county (~~of the seventh, eighth, or ninth class~~) with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

**Sec. 152.** RCW 79.08.170 and 1983 c 3 s 201 are each amended to read as follows:

The duties of the county auditor in (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are transferred to the county treasurer.

**Sec. 153.** RCW 81.100.030 and 1990 c 43 s 14 are each amended to read as follows:

(1) A (~~class AA~~) county with a population of one million or more, or a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, and having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

**Sec. 154.** RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A ~~(class AA)~~ county with a population of one million or more and a ~~(class A)~~ county with a population of from two hundred ten thousand to less than one million that is adjoining a ~~(class AA)~~ county with a population of one million or more, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed 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.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

**Sec. 155.** RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~(class A)~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~(class AA)~~ county with a population of one million or more, and in ~~(counties of the first class and smaller)~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

Sec. 156. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of March 14, 1990. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a ~~((class AA))~~ county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a ~~((class AA))~~ county with a population of one million or more and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently

authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

**Sec. 157.** RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

**Sec. 158.** RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a (~~class AA~~) county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case

of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

**Sec. 159.** RCW 82.44.150 and 1990 c 42 s 308 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, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, 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 82.44.030, 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 shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to 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 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)) county with a population of one million or more, or within a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of from one hundred twenty-five thousand to less than two hundred thousand that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a (~~class AA county or within a class A county contiguous to a class AA~~) county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, 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 RCW 82.44.180, 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 RCW 82.44.180, 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) 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, 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.

(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 (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 (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 (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.

(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.

(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 (3) of this section.

**Sec. 160.** RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

**Sec. 161.** RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county ~~((commissioners))~~ legislative authority, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed two and one-half percent of the

value of the taxable property in said county, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in (~~sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington~~) chapter 39.46 RCW, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That (~~said commissioners~~) the county legislative authority shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

**Sec. 162.** RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and amended 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) RCW 53.31.010 and 1986 c 276 s 1;
- (2) RCW 53.31.020 and 1991 c ... s 133 (section 133 of this act) & 1986 c 276 s 2;
- (3) RCW 53.31.030 and 1986 c 276 s 3;
- (4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;
- (5) RCW 53.31.050 and 1986 c 276 s 5; and
- (6) RCW 53.31.060 and 1986 c 276 s 6.

**NEW SECTION. Sec. 163.** The following acts or parts of acts are each repealed:

- (1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;
- (2) RCW 36.13.010 and 1963 c 4 s 36.13.010;
- (3) RCW 36.13.075 and 1963 c 4 s 36.13.075;
- (4) RCW 36.13.080 and 1963 c 4 s 36.13.080;
- (5) RCW 36.13.090 and 1963 c 4 s 36.13.090;
- (6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;
- (7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;
- (8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;
- (9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
- (10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and
- (11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

**NEW SECTION. Sec. 164.** The following acts or parts of acts are each repealed:

- (1) RCW 36.32.271 and 1989 c 244 s 1;
- (2) RCW 36.32.273 and 1989 c 244 s 2;
- (3) RCW 36.32.275 and 1989 c 244 s 3;
- (4) RCW 36.32.277 and 1989 c 244 s 4;
- (5) RCW 36.32.500 and 1984 c 203 s 6;
- (6) RCW 36.32.505 and 1984 c 203 s 7;
- (7) RCW 36.82.030 and 1963 c 4 s 36.82.030;
- (8) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963 c 4 s 36.82.130; and
- (9) RCW 36.82.150 and 1984 c 7 s 35 & 1963 c 4 s 36.82.150.

**NEW SECTION. Sec. 165.** (1) Sections 28, 29, 33, and 131 of this act shall take effect July 1, 1992.

- (2) Section 47 of this act shall take effect July 1, 1993.

NEW SECTION. **Sec. 166.** (1) Section 130 of this act shall expire July 1, 1992.

(2) Section 46 of this act shall expire July 1, 1993.

NEW SECTION. **Sec. 167.** Sections 99 through 108 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec. 168.** Section headings as used in this act do not constitute any part of the law.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 2.32.180, 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220, 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170, 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460, 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 29.04.200, 29.10.180, 29.13.060, 29.30.060, 29.42.050, 29.42.070, 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010, 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.030, 36.16.032, 36.16.050, 36.16.140, 36.17.010, 36.17.020, 36.17.040, 36.24.175, 36.27.060, 36.32.240, 36.32.350, 36.33.060, 36.33.065, 36.34.020, 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.47.040, 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070, 36.69.010, 36.70.540, 36.78.020, 36.78.040, 36.79.140, 36.80.010, 36.81.130, 36.82.020, 36.82.160, 36.87.020, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020, 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020, 41.56.030, 42.23.030, 43.99C.045, 46.09.240, 46.52.100, 47.26.121, 47.76.030, 47.76.040, 47.76.160, 53.12.010, 53.12.020, 53.12.035, 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120, 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180, 70.94.055, 70.142.040, 71.05.135, 71.24.045, 72.09.300, 72.09.050, 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030, 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 36.32.250, 70.94.053, 82.14.045, and 53.31.911; adding new sections to chapter 39.04 RCW; adding a new section to chapter 39.30 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 36.62 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920, 53.12.040, 53.12.044, 53.12.055, 53.12.160, 53.12.210, 36.32.271, 36.32.273, 36.32.275, 36.32.277, 36.32.500, 36.32.505, 36.82.030, 36.82.130, and 36.82.150; providing effective dates; and providing expiration dates.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Madsen, Oke; Representatives Haugen, Cooper, Ferguson.

### MOTION

Senator Roach moved that the rules be suspended and the Report of the Conference Committee on Substitute House Bill No. 1201 be adopted.

Debate ensued.

### POINT OF INQUIRY

Senator Murray: "Senator Roach, on page fifty-seven, Section 60, the way I read that, does that mean that if a school district determines that they want to put a school on a wetlands, that they will be able to do that despite the fact the county rules say they can't?"

Senator Roach: "It does not mean that. It means that counties will need to issue a conditional use permit or a permit, but all other restrictions would be in place in terms of dealing with wetlands."

### POINT OF INQUIRY

Senator Skratek: "Senator Roach, as I read this language, it would also require the county to permit siting of schools outside of the urban growth areas and therefore encourage the leap frog affect of allowing schools to go in rural areas when, for example, King County has made it clear that that is only appropriate in certain circumstances. Is that what this language is saying?"

Senator Roach: "The language is, Senator Skratek, merely saying that each county that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted uses or conditional use permits. And, Senator Skratek, I might add that for one hundred years, in the state of Washington, this is exactly the system that we went under and we sited our schools just fine. This was under a process, Senator Skratek, where numerous--numerous--meetings, by school boards--elected school board officials--and residents in the area made the decision."

Senator Skratek: "You didn't answer my question. Does this allow for the siting of schools in rural areas even though a county, under its comprehensive plan, may not desire such sitings to occur?"

Senator Roach: "It authorizes zoning; it authorizes that all planning areas must include, by conditional use or by regular permit process."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute House Bill No. 1201.

The motion by Senator Roach carried and the Report of the Conference Committee on Substitute House Bill No. 1201, under suspension of the rules, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1201, as recommended by the Conference Committee, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1201, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge - 9.

Excused: Senators Gaspard, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1201, as recommended by the Conference Committee, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

**EHB 2093**

April 27, 1991

Includes "NEW ITEM": YES

Modifying authorized uses of the excise tax on lodgings.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2093, Lodging excise tax uses, have had the same under consideration and we recommend:

That the Senate Committee on Ways and Means striking amendment(s) adopted 4/17/91 not be adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay

for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, ((and/or)) and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

((b)) (ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) Schools districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((e)) (h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

((e)) (i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

((e)) (j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)((e)) (j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

**Sec. 2.** RCW 67.40.120 and 1988 ex.s. c 1 s 8 are each amended to read as follows:

The state convention and trade center corporation may contract with the Seattle-King county convention and visitors bureau for marketing the convention and trade center facility and services. Any contract with the Seattle-King county convention and visitors bureau shall include, but is not limited to, the following condition: Each dollar in convention and trade center operations account funds provided to the Seattle-King county convention and visitors bureau shall be matched by at least one dollar and ten cents in nonstate funds. "Nonstate funds" does not include funds received under RCW 67.28.180.

NEW SECTION. **Sec. 3.** This act shall take effect January 1, 1992.



On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 67.28.180 and 67.40.120; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Amondson; Representatives Wang, Locke, Holland.

### MOTION

Senator McDonald moved that the rules be suspended and the Report of the Conference Committee on Engrossed House Bill No. 2093 be adopted. Debate ensued.

### MOTION

On motion of Senator McCaslin, Senator Hayner was excused. Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Engrossed House Bill No. 2093, under suspension of the Rules.

The motion by Senator McDonald carried and the Report of the Conference Committee on Engrossed House Bill No. 2093, under suspension of the rules, was adopted on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2093, as recommended by the Conference Committee, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2093, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 40.

Voting nay: Senators Moore, Nelson, Rasmussen, Saling, Talmadge, Wojahn - 6.

Excused: Senators Gaspard, Hayner, Sellar - 3.

ENGROSSED HOUSE BILL NO. 2093, as recommended by the Conference Committee, under suspension of the rules, having received the 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:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,  
 SUBSTITUTE HOUSE BILL NO. 1243,  
 SUBSTITUTE HOUSE BILL NO. 1317,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,  
 HOUSE BILL NO. 1536,  
 SUBSTITUTE HOUSE BILL NO. 1586.

## REPORT OF CONFERENCE COMMITTEE

**ESHB 2026**

April 27, 1991

Includes "NEW ITEM: YES

Providing for comprehensive water resources management.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, Water resources management, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment(s) adopted 4/18/91 not be adopted; and the following striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water.

**NEW SECTION. Sec. 2.** The purposes of this act are to:

(1) Improve the ability of the state to work with the United States, local governments, federally recognized tribal governments, water right holders, water users, and various water interests in water conservation and water use efficiency programs designed to satisfy existing rights, presently unmet needs, and future needs, both instream and out-of-stream;

(2) Establish new incentives, enhance existing incentives, and remove disincentives for efficient water use;

(3) Establish improved means to disseminate information to the public and provide technical assistance regarding ways to improve the efficiency of water use;

(4) Create a trust water rights mechanism for the acquisition of water rights on a voluntary basis to be used to meet presently unmet needs and future needs;

(5) Prohibit the sale of nonconforming plumbing fixtures and require the marking and labeling of fixtures meeting state standards;

(6) Reduce tax disincentives to water conservation, reuse, and improved water use efficiency; and

(7) Add achievement of water conservation as a factor to be considered by water supply utilities in setting water rates.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.54 RCW to read as follows:

(1) State funding of water resource, supply, and quality related capital programs, both current and future, shall, to the maximum extent possible within state or federal legal requirements, be directed to assist in the resolution of current conflicts and implementation of regional water resource plans with priority given to current needs over new requirements.

(2) Consistent with RCW 90.54.180, priority shall be given, to the maximum extent possible within state or federal legal requirements, to those water conservation projects funded by the state that will result in the greatest net water savings.

**Sec. 4.** RCW 90.54.045 and 1990 c 295 s 3 are each amended 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~~) July 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. 5.** (1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have

a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas designated pursuant to RCW 90.54.045(2) and in the water resource inventory areas designated under subsection (2) of this section.

(2) The department may designate up to four water resource inventory areas west of the crest of the Cascade mountains and up to four water resource inventory areas east of the crest of the Cascade mountains, as identified pursuant to chapter 90.54 RCW. The areas designated shall contain critical water supply problems and shall provide an opportunity to test and evaluate a variety of applications of sections 5 through 13 of this act, including application to municipal, industrial, and agricultural use. The department shall seek advice from appropriate state agencies, Indian tribes, local governments, representatives of water right holders, and interested parties before identifying such water resource inventory areas.

(3) The department shall provide to the appropriate legislative committees by December 31, 1993, a written evaluation of the implementation of sections 5 through 13 of this act and recommendations for future application.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

(5) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on the effective date of this section.

NEW SECTION. Sec. 7. (1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects located within pilot planning areas and in water resource inventory areas designated in accordance with section 5 of this act. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under section 9 of this act.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under section 9 of this act, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the process to determine the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

**NEW SECTION. Sec. 8.** (1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems in water resource inventory areas designated in accordance with section 5 of this act.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

**NEW SECTION. Sec. 9.** The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and

management of trust water rights. The guidelines shall address at a minimum the following:

- (1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;
- (2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;
- (3) Criteria for prioritizing water conservation projects;
- (4) A description of potential public benefits that will affect consideration for state financial assistance in section 7 of this act;
- (5) Procedures for providing notification to potentially interested parties;
- (6) Criteria for the assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and
- (7) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

**NEW SECTION. Sec. 10.** The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used.

**NEW SECTION. Sec. 11.** Nothing in this chapter authorizes the involuntary impairment of any existing water rights.

**NEW SECTION. Sec. 12.** (1) Within the pilot planning areas, and in water resource inventory areas designated in accordance with section 5 of this act, the state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section.

(5) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

**NEW SECTION. Sec. 13.** It is the intent of the legislature that jurisdictional authorities that exist in law not be expanded, diminished, or altered in any manner whatsoever by this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 90.14 RCW to read as follows:

This chapter shall not apply to trust water rights held or exercised by the department of ecology under chapter 90.38 or 90.-- RCW (sections 1 and 5 through 13 of this act).

**Sec. 15.** RCW 90.03.380 and 1987 c 109 s 94 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the

purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other land owners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.--- through 90.--- (sections 5 through 11 of this 1991 act).

Sec. 16. RCW 19.27.170 and 1989 c 348 s 8 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections ~~((3))~~ (4) and ~~((4))~~ (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection ~~((3))~~ (4) of this section shall take effect on July 1, 1990. The standards in subsection ~~((4))~~ (5) of this section shall take effect July 1, 1993.

(3) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(4) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets..... 3.5 gpf.  
 Flushometer-valve toilets..... 3.5 gpf.  
 Flushometer-tank toilets..... 3.5 gpf.  
 Electromechanical hydraulic toilets..... 3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets..... 3.0 gpm.
- Lavatory faucets..... 3.0 gpm.
- Kitchen faucets..... 3.0 gpm.
- Replacement aerators..... 3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

~~((4))~~ (5) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets..... 1.6 gpf.
- Flushometer-tank toilets..... 1.6 gpf.
- Electromechanical hydraulic toilets..... 1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

- Bathroom faucets..... 2.5 gpm.
- Lavatory faucets..... 2.5 gpm.
- Kitchen faucets..... 2.5 gpm.
- Replacement aerators..... 2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

~~((5) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.~~

~~The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.)~~

(6) The building code council shall establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.



(8) This section shall not apply to fixtures installed before the effective date of this section that are removed and relocated to another room or area of the same building after the effective date of this section, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section.

(9) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection (~~((3)-or)~~) (4) or (5) of this section.

**Sec. 17.** RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

**Sec. 18.** RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are each reenacted and amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and

it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

**Sec. 19.** RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

**Sec. 20.** RCW 57.20.020 and 1983 c 167 s 164 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board

of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost

of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

**Sec. 21.** RCW 54.24.080 and 1959 c 218 s 9 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

**Sec. 22.** RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(8) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 23. RCW 80.28.025 and 1980 c 149 s 2 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, 1990, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(2) In establishing rates for water companies regulated by this chapter, the commission may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

Sec. 25. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

- (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or
- (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If the nonuse occurs after the effective date of this section, where such right is claimed by an irrigation district for the benefit of lands lying within such district, or

(f) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

NEW SECTION. Sec. 26. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 27. Sections 1 and 5 through 13 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 28. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 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.

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.54.045, 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080, 80.28.010, 80.28.025, and 90.14.140; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Belcher, Hine, L. Miller.

## MOTION

Senator Barr moved that the rules be suspended and that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2026 be adopted.

## POINT OF INQUIRY

Senator Talmadge: "Senator Barr, I heard some concerns from the Yakima Indian Nation about some language that was in, I believe, Senate Bill No. 5369. I don't believe that language is in this measure now, but could you confirm that for me? That's the canal legislation."

Senator Barr: "Thank you, Senator Talmadge. I wasn't expecting this bill to come up for a little while and I didn't have my notes made as thorough as I should. In conference, we did talk about the Yakima--so called--Hell Roaring Water Rights Bill that we passed through here earlier in the session, because that irrigation district had failed to get their claim filed a few years ago. The intent now is that we will continue working between the Hell Roaring Irrigation District and the tribe and see what they can work out. The language in this bill just kind of holds a status quo until they can further communicate and work out the arrangements on that. The Department of Ecology has stated that they will help try to do that--work out an agreement."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Engrossed Substitute House Bill No. 2026, under suspension of the Rules.

The motion by Senator Barr carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 2026 was adopted, under suspension of the rules.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Cantu - 1.

Excused: Senators Gaspard, Hayner, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, as recommended by the Conference Committee, under suspension of the rules, having received the 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 the Report of the Conference Committee on Substitute House Bill No. 1885, and the pending motion by Senator Bailey to suspend the rules and adopt the Report of the Conference Committee, which was under consideration earlier today.



## MOTIONS

On motion of Senator Murray, the point of order regarding the twenty-four hour rule was withdrawn.

On motion of Senator Vognild, the point of order regarding adopting the Conference Committee Report on Substitute House Bill No. 1885, was withdrawn.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute House Bill No. 1885, under suspension of the rules.

The motion by Senator Bailey carried and the Report of the Conference Committee on Substitute House Bill No. 1885, under suspension of the rules, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1885, as recommended by the Conference Committee, under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1885, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Murray, Niemi, Rasmussen, Skratek, A. Smith, Vognild - 6.

Excused: Senators Gaspard, Hayner, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1885, as recommended by the Conference Committee, under suspension of the rules, having received the 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 sixth order of business.

SECOND READING  
GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9136, Kris Kelly-Watkins, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

## APPOINTMENT OF KRIS KELLY-WATKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Gaspard, Hayner, Sellar - 3.

## MESSAGE FROM THE HOUSE

April 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5395 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT"**

Sec. 101. 1990 1st ex.s. c 16 s 105 (uncodified) is amended to read as follows:

**FOR THE REDISTRICTING COMMISSION**

General Fund Appropriation . . . . .	\$ <del>(221,000)</del>
	<u>246,000</u>

Sec. 102. 1990 1st ex.s. c 16 s 106 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund Appropriation . . . . .	\$ <del>(13,497,000)</del>
	<u>14,097,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$~~(5,013,000)~~ 5,613,000 is provided solely for the indigent appeals program.

Sec. 103. 1990 1st ex.s. c 16 s 108 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation . . . . .	\$ <del>(684,000)</del>
	<u>754,000</u>

Sec. 104. 1990 1st ex.s. c 16 s 109 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation . . . . .	\$ <del>(27,607,000)</del>
	<u>28,298,000</u>

Public Safety and Education Account

Appropriation . . . . .	\$ 23,200,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(50,807,000)</del></b>
	<b><u>51,498,000</u></b>

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

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility

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

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

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

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

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

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

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

**Sec. 105.** 1989 1st ex.s. c 19 s 113 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation--State . . . . .	\$	((11,894,000))
		<u>11,959,000</u>
General Fund Appropriation--Federal . . . . .	\$	27,779,000
TOTAL APPROPRIATION . . . . .	\$	((39,673,000))
		<u>39,738,000</u>

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

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

(2) \$((421,000)) 486,000 of the general fund--state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

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

**Sec. 106.** 1990 1st ex.s. c 16 s 111 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation . . . . .	\$	((1,296,000))
		<u>1,326,000</u>

**Sec. 107.** 1990 1st ex.s. c 16 s 112 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation . . . . .	\$	((8,242,000))
		<u>8,364,000</u>
Archives and Records Management Account		
Appropriation . . . . .	\$	2,659,000
Department of Personnel Service		
Fund Appropriation . . . . .	\$	447,000
TOTAL APPROPRIATION . . . . .	\$	((11,348,000))
		<u>11,470,000</u>

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

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

(2) \$((1,074,000)) 839,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$((2,542,000)) 2,939,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$((200,000)) 68,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 108. 1990 1st ex.s. c 16 s 114 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation . . . . .	\$	((902,000))
		<u>937,000</u>
Motor Vehicle Fund Appropriation . . . . .	\$	225,000
Municipal Revolving Fund Appropriation . . . . .	\$	16,567,000
Auditing Services Revolving Fund Appropriation . . . . .	\$	((10,409,000))
		<u>10,249,000</u>
TOTAL APPROPRIATION . . . . .	\$	((28,103,000))
		<u>27,978,000</u>

Sec. 109. 1990 1st ex.s. c 16 s 118 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Fund

Appropriation . . . . .	\$	23,209,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$((908,000)) 858,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

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

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

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

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

**Sec. 110.** 1990 1st ex.s. c 16 s 119 (uncodified) is amended to read as follows:  
**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense	
Account Appropriation . . . . .	\$ <del>((2,111,000))</del>
	<u>4,111,000</u>

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

(1) \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

(2) \$2,000,000 is provided solely for critical and unanticipated expenses incurred in managing public trust and retirement funds under section 801(3) of this act.

**Sec. 111.** 1989 1st ex.s. c 19 s 133 (uncodified) is amended to read as follows:  
**FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation . . . . .	\$ <del>((1,329,000))</del>
	<u>1,335,732</u>

**Sec. 112.** 1990 1st ex.s. c 16 s 121 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation--State . . . . .	\$ 9,296,000
General Fund Appropriation--Federal . . . . .	\$ 1,715,000
General Fund Appropriation--Private/Local . . . . .	\$ 99,000
Motor Vehicle Fund Appropriation . . . . .	\$ 368,000
Resource Management Cost Account Appropriation . . . . .	\$ 2,000
State Wildlife Account Appropriation . . . . .	\$ 4,000
Accident Fund Appropriation . . . . .	\$ 1,000
State Patrol Highway Account Appropriation . . . . .	\$ 228,000
Motor Transport Account Appropriation . . . . .	\$ 10,712,000
General Administration Facilities and Services	
Revolving Fund Appropriation . . . . .	\$ <del>((22,901,000))</del>
	<u>23,455,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ <del>((45,326,000))</del></b>
	<u><b>45,880,000</b></u>

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

(1) The motor vehicle fund appropriation, state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund--state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

**Sec. 113.** 1990 1st ex.s. c 16 s 122 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF INFORMATION SERVICES--VIDEO TELECOMMUNICATIONS SYSTEM((:))**

~~\$((1,209,000))~~ 781,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) ~~\$((1,000,000))~~ 572,000 is provided solely for the ~~((purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system))~~ cooperative video telecommunication demonstration project sponsored jointly by the

superintendent of public instruction, the state board for community college education, the higher education coordinating board, and the department of information services; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 114. 1990 1st ex.s. c 16 s 124 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation . . . . .	\$	((461,000))
		<u>488,000</u>
Certified Public Accountant Examination Account		
Appropriation . . . . .	\$	655,000
TOTAL APPROPRIATION . . . . .	\$	((1,116,000))
		<u>1,143,000</u>

Sec. 115. 1990 1st ex.s. c 16 s 128 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund Appropriation--State . . . . .	\$	((8,097,000))
		<u>8,143,000</u>
General Fund Appropriation--Federal . . . . .	\$	6,425,000
TOTAL APPROPRIATION . . . . .	\$	((14,522,000))
		<u>14,568,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

**"PART II  
HUMAN SERVICES"**

Sec. 201. 1989 1st ex.s. c 19 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations in sections 203 through 219 of chapter 19, Laws of 1989 1st ex. sess., as amended, sections 10 through 16 of chapter 10, Laws of 1989 1st ex. sess., and sections 401 through 423 of chapter 271, Laws of 1989 shall be expended for the programs and in the amounts listed in those sections. However, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

~~(2) ((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.~~

(2)) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not

require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

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

**Sec. 202.** 1990 1st ex.s. c 16 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((276,824,000))
		<u>282,720,000</u>
General Fund Appropriation--Federal . . . . .	\$	((171,515,000))
		<u>169,598,000</u>
Drug Enforcement and Education Account		
Appropriation . . . . .	\$	2,000,000
Public Safety and Education		
Account Appropriation. . . . .	\$	400,000
TOTAL APPROPRIATION . . . . .	\$	((450,739,000))
		<u>454,718,000</u>

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

(1) \$4,152,000 of the general fund--state appropriation and \$293,000 of the general fund--federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund--state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

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

(4) \$5,090,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund--state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund--state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund--state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$4,926,000 of the general fund--state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.



(6) \$929,000 of the general fund--state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

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

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

(9) \$5,133,000 of the general fund--state appropriation and \$2,559,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund--state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

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

(12) \$2,150,000 of the general fund--state appropriation is provided solely for continuation of the "continuum of care" projects through June 30, 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund--state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund--state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund--state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund--state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund--state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund--state appropriation and \$312,000 of the general fund--federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund--state appropriation and \$135,000 of the general fund--federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund--state appropriation and \$28,000 of the general fund--federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund--state appropriation and \$13,000 of the general fund--federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund--state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund--state appropriation and \$5,000 of the general fund--federal appropriation are provided solely for additional training to foster parents pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund--state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund--state appropriation and \$49,000 of the general fund--federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund--state appropriation and \$17,000 of the general fund--federal appropriation are provided solely to develop and implement a foster parent survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund--state appropriation and \$1,292,000 of the general fund--federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund--state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund--state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund--state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund--state appropriation is provided solely for the expansion of women((s)), infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund--state appropriation and \$91,000 of the general fund--federal appropriation are provided solely for child care licensing. The

legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the women((s)), infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund--state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

(38) The department shall expend at least \$60,000 from the general fund--state appropriation during the remainder of the 1989-91 fiscal biennium for therapeutic child care services. This amount shall be in addition to all other expenditures currently planned by the department for this purpose and shall not be spent for any other purpose. This amount is provided solely on a one-time basis and distributed on a per slot basis to provide only for expenses for equipment or consumable supplies for therapeutic child care enhancements.

**Sec. 203.** 1990 1st ex.s. c 16 s 205 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

## (1) COMMUNITY SERVICES

General Fund Appropriation--State . . . . .	\$	((35,439,000))
		<u>34,411,000</u>
General Fund Appropriation--Federal . . . . .	\$	134,000
TOTAL APPROPRIATION . . . . .	\$	((35,573,000))
		<u>34,545,000</u>

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

(a) \$418,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

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

(c) \$1,046,000 of the general fund--state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund--state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund--state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation--State . . . . .	\$	((47,729,000))
		<u>49,529,000</u>
General Fund Appropriation--Federal . . . . .	\$	871,000
TOTAL APPROPRIATION . . . . .	\$	((48,600,000))
		<u>50,400,000</u>

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

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

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

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

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

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

(v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund--state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

## (3) PROGRAM SUPPORT

General Fund Appropriation . . . . .	\$	2,905,000
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Sec. 204. 1990 1st ex.s. c 16 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation--State . . . . .	\$	((177,613,000))
		<u>176,113,000</u>
General Fund Appropriation--Federal . . . . .	\$	((94,432,000))
		<u>94,342,000</u>
General Fund Appropriation--Local . . . . .	\$	3,753,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>((275,708,000))</b>
		<u>274,208,000</u>

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

(a) A maximum of \$35,212,000 of the general fund--state appropriation and \$17,127,000 of the general fund--federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund--state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund--state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making

grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund--state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund--state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

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

(f) \$1,400,000 of the general fund--state appropriation and \$500,000 of the general fund--federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund--state appropriation and \$1,322,000 of the general fund--federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund--state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund--state appropriation and \$720,000 of the general fund--federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund--state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and

coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State . . . . .	\$	((208,720,000))
		<u>208,320,000</u>
General Fund Appropriation--Federal . . . . .	\$	10,877,000
TOTAL APPROPRIATION . . . . .	\$	((219,597,000))
		<u>219,197,000</u>

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

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

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

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

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

(g) \$960,000 of the general fund--state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation--State . . . . .	\$	3,347,000
General Fund Appropriation--Federal . . . . .	\$	1,379,000
TOTAL APPROPRIATION . . . . .	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation--State . . . . .	\$	1,558,000
General Fund Appropriation--Federal . . . . .	\$	2,966,000
TOTAL APPROPRIATION . . . . .	\$	4,524,000

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of the general fund--state appropriation is provided solely to expand the primary intervention program to fifteen additional school districts beginning in 1989-90.

**Sec. 205.** 1990 1st ex.s. c 16 s 207 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation--State . . . . .	\$	117,868,000
General Fund Appropriation--Federal . . . . .	\$	99,210,000
TOTAL APPROPRIATION . . . . .	\$	217,078,000

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

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

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

(c) \$2,785,000 of the general fund--state appropriation and \$1,413,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund--state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund--state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

~~((h))~~ (g) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund--state appropriation is provided solely for allocation to the counties for preparation of the directory.



(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation--State . . . . .	\$	((105,025,000))
		<u>108,225,000</u>
General Fund Appropriation--Federal . . . . .	\$	((127,731,000))
		<u>150,527,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>((232,756,000))</b>
		<u>258,752,000</u>

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

(a) \$1,000,000 of the general fund--state appropriation and \$675,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

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

**(3) PROGRAM SUPPORT**

General Fund Appropriation--State . . . . .	\$	3,879,000
General Fund Appropriation--Federal . . . . .	\$	626,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>4,505,000</b>

**Sec. 206. 1990 1st ex.s. c 16 s 208 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES**

General Fund Appropriation--State . . . . .	\$	((460,847,000))
		<u>447,369,000</u>
General Fund Appropriation--Federal . . . . .	\$	((519,795,000))
		<u>502,950,000</u>
General Fund Appropriation--Local . . . . .	\$	296,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>((980,938,000))</b>
		<u>950,615,000</u>

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

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

(2) \$3,200,000 of the general fund--state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be

provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund--state appropriation and \$700,000 of the general fund--federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

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

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

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

(8) \$700,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund--state appropriation and \$813,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund--state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund--state appropriation and \$1,590,000 of the general fund--federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$5,957,000, of which \$2,638,000 is from the general fund--state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,258 per month per at-home spouse.

(13) \$50,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate

adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

Sec. 207. 1990 1st ex.s. c 16 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM**

General Fund Appropriation--State . . . . .	\$	((422,921,000))
		<u>509,380,000</u>
General Fund Appropriation--Federal . . . . .	\$	((561,882,000))
		<u>567,297,000</u>
TOTAL APPROPRIATION . . . . .	\$	((983,903,000))
		<u>1,076,677,000</u>

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

(1) \$8,661,000 of the general fund--state appropriation and \$10,026,000 of the general fund--federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund--state appropriation and \$9,210,000 of the general fund--federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund--state appropriation and \$241,000 of the general fund--federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund--state appropriation and \$117,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(6) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((7) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.))~~

Sec. 208. 1990 1st ex.s. c 16 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((28,872,000))
		<u>27,672,000</u>

General Fund Appropriation--Federal . . . . .	\$	38,941,000
Drug Enforcement and Education Account Appropriation--State . . . . .	\$	((800,000))
		<u>600,000</u>
TOTAL APPROPRIATION . . . . .	\$	((68,613,000))
		<u>67,213,000</u>

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

(1) \$1,204,000 of the general fund--state appropriation and \$32,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund--state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account--state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) ~~(\$500,000)~~ \$300,000 of the drug enforcement and education account--state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

**Sec. 209.** 1990 1st ex.s. c 16 s 212 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM--ASSESSMENT AND TREATMENT**

General Fund Appropriation--State . . . . .	\$	((16,199,000))
		<u>13,899,000</u>
General Fund Appropriation--Federal . . . . .	\$	9,948,000
Drug Enforcement and Education Account Appropriation--State . . . . .	\$	((1,500,000))
		<u>750,000</u>
TOTAL APPROPRIATION . . . . .	\$	((27,647,000))
		<u>24,597,000</u>

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

(1) The general fund appropriations are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account--state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

**Sec. 210.** 1990 1st ex.s. c 16 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM--SHELTER**

General Fund Appropriation . . . . . \$ (3,423,000)  
1,923,000

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. 211.** 1990 1st ex.s. c 16 s 216 (uncodified) is amended to read as follows:

The sums of ~~((eleven))~~ ten million two hundred thousand dollars from the drug enforcement and education account--state and one million dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

**Sec. 212.** 1990 1st ex.s. c 16 s 217 (uncodified) is amended to read as follows:

The sums of ~~((one hundred eighty three thousand dollars from the drug enforcement and education account--state and))~~ two hundred seventeen thousand dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

**Sec. 213.** 1990 1st ex.s. c 16 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation--State . . . . .	\$	((697,558,000))
		<u>723,447,000</u>
General Fund Appropriation--Federal . . . . .	\$	((689,430,000))
		<u>700,993,000</u>
TOTAL APPROPRIATION . . . . .	\$	((1,386,988,000))
		<u>1,424,440,000</u>

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

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

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

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

(4) \$7,014,000 of the general fund--state appropriation and \$6,928,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

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

(6) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

~~((8))~~ (7) \$1,620,000 of the general fund--state appropriation and \$1,914,000 of the general fund--federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

~~((9))~~ (8) \$4,470,000 of the general fund--state appropriation and \$2,155,000 of the general fund--federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

~~((10))~~ (9) \$6,293,000 of the general fund--state appropriation and \$6,545,000 of the general fund--federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund--state amount and \$459,000 of the general fund--federal amount in this subsection are provided solely to increase

rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

((+1)) (10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide nonhospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund--state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

**Sec. 214.** 1990 1st ex.s. c 16 s 220 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
 ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((55,898,000))
		<u>55,198,000</u>
General Fund Appropriation--Federal . . . . .	\$	((36,980,000))
		<u>37,680,000</u>
Institutional Impact Account Appropriation. . . . .	\$	230,000
TOTAL APPROPRIATION . . . . .	\$	93,108,000

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

- (1) \$666,000 of the general fund--state appropriation is provided solely to enhance the department's accounting system.
- (2) \$83,000 of the general fund--state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.
- (3) \$159,000 of the general fund--federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.
- (4) \$150,000 of the general fund--state appropriation is provided solely for transfer to the institutional impact account.
- (5) \$148,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

**Sec. 215.** 1990 1st ex.s. c 16 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
 COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation--State . . . . .	\$	((164,539,000))
		<u>163,617,000</u>
General Fund Appropriation--Federal . . . . .	\$	((200,973,000))
		<u>201,895,000</u>
TOTAL APPROPRIATION . . . . .	\$	365,512,000

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) \$645,000 of the general fund--state appropriation and \$1,284,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

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

(6) \$137,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

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

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

**Sec. 216.** 1990 1st ex.s. c 16 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation--State . . . . . \$	((84,912,000))
	<u>87,878,000</u>
General Fund Appropriation--Federal . . . . . \$	((132,144,000))
	<u>149,026,000</u>
General Fund Appropriation--Private/Local . . . . . \$	269,000
Building Code Council Account Appropriation . . . . \$	809,000
Public Works Assistance Account Appropriation . . . \$	933,000
Fire Service Training Account Appropriation . . . . \$	750,000
State Toxics Control Account Appropriation . . . . . \$	519,000
Low Income Weatherization Account Appropriation . . \$	13,000,000
Washington Housing Trust Fund Appropriation . . . . \$	13,500,000
TOTAL APPROPRIATION . . . . . \$	((246,836,000))
	<u>266,684,000</u>

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



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

(2) \$200,000 of the general fund--state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$8,500,000 of the general fund--state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

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

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

(ii) No more than \$150,000 of the amount provided in this subsection may be expended for administration of the plan.

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

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund--state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

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

(4) \$3,000,000 of the general fund--state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund--state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund--state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$16,900,000 of the general fund--state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) \$307,000 of the general fund--state appropriation is provided solely for the department to continue homeport activities.

(10) \$200,000 of the general fund--state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(11) \$75,000 of the general fund--state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(12) \$200,000 of the general fund--state appropriation is provided solely for a pilot rural revitalization program.

(13) \$200,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

(14) \$375,000 of the general fund--state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund--state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund--state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the

emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund--state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund--state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund--state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal

drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund--state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund--state appropriation and \$80,000 is from the general fund--federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund--state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$70,000 of the general fund--state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

~~((28))~~ (26) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

~~((29))~~ (27) \$10,000 of the general fund--state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 217. 1989 1st ex.s. c 19 s 223 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education

Account Appropriation . . . . .	\$	324,000
Worker and Community Right-to-Know Account		
Appropriation . . . . .	\$	32,000
Accident Fund Appropriation . . . . .	\$	<del>((6,459,000))</del>
		<u>6,549,000</u>

Medical Aid Fund Appropriation . . . . .	\$	((6,459,000))
		<u>6,549,000</u>
TOTAL APPROPRIATION . . . . .	\$	((13,274,000))
		<u>13,454,000</u>

Sec. 218. 1990 1st ex.s. c 16 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation . . . . .	\$	9,277,000
Public Safety and Education Account Appropriation-- State . . . . .	\$	((19,764,000))
		<u>13,764,000</u>
Public Safety and Education Account Appropriation-- Federal . . . . .	\$	2,000,000
Accident Fund Appropriation . . . . .	\$	101,422,000
Electrical License Fund Appropriation . . . . .	\$	12,408,000
Farm Labor Revolving Account Appropriation . . . . .	\$	30,000
Medical Aid Fund Appropriation . . . . .	\$	120,161,000
Asbestos Account Appropriation . . . . .	\$	1,314,000
Plumbing Certificate Fund Appropriation . . . . .	\$	696,000
Pressure Systems Safety Fund Appropriation . . . . .	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation . . . . .	\$	2,406,000
TOTAL APPROPRIATION . . . . .	\$	((270,954,000))
		<u>264,954,000</u>

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

(1) \$((6,596,793)) 4,765,000 from the accident fund appropriation and \$((12,953,328)) 4,765,000 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account--state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 219. 1990 1st ex.s. c 16 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation--State . . . . .	\$	((20,229,000))
		<u>20,297,000</u>

General Fund Appropriation--Federal . . . . .	\$	5,988,000
General Fund Appropriation--Local . . . . .	\$	7,802,000
TOTAL APPROPRIATION . . . . .	\$	<u>((34,019,000))</u>
		<u>34,087,000</u>

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

(1) \$192,000 of the general fund--state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

(2) \$68,000 of the general fund--state appropriation is provided solely to enhance counseling programs for posttraumatic stress disorder.

Sec. 220. 1990 1st ex.s. c 16 s 229 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**

(1) The appropriations in this section and in section 232, chapter 299, Laws of 1990, shall be expended for the programs and in the amounts listed in the sections. However, unless specifically prohibited under this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in the sections after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from appropriation levels and any deviation from the conditions and limitations.

(2) COMMUNITY SERVICES

General Fund Appropriation . . . . .	\$	75,022,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund Appropriation . . . . .	\$	313,100,000
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The appropriation in this subsection is subject to the following conditions and limitations:

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

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

~~((4))~~ (c) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

~~((3))~~ (4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation . . . . .	\$	<u>((24,081,000))</u>
		<u>24,481,000</u>

Institutional Impact Account Appropriation . . . . .	\$	332,000
TOTAL APPROPRIATION . . . . .	\$	<u>((24,413,000))</u>
		<u>24,813,000</u>

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

((a)) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

((4)) (5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation . . . . .	\$	2,622,000
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Sec. 221. 1990 1st ex.s. c 16 s 230 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation . . . . .	\$	<u>((17,991,000))</u>
		<u>13,768,000</u>

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to ((25,000)) 20,000 individuals during the 1989-91 biennium.

Sec. 222. 1990 1st ex.s. c 16 s 231 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation--State . . . . .	\$	129,000
General Fund Appropriation--Federal . . . . .	\$	159,308,000
General Fund Appropriation--Local . . . . .	\$	12,489,000
Administrative Contingency Fund Appropriation--		
Federal . . . . .	\$	11,965,000
Unemployment Compensation Administration Fund		
Appropriation--Federal . . . . .	\$	<u>((118,169,000))</u>
		<u>118,404,000</u>
Employment Service Administration Account		
Appropriation--Federal . . . . .	\$	790,000
Employment Service Administration Account		
Appropriation--State . . . . .	\$	6,823,000
Federal Interest Payment Fund Appropriation . . . . .	\$	<u>((2,100,000))</u>
		<u>2,443,000</u>
TOTAL APPROPRIATION . . . . .	\$	<u>((311,773,000))</u>
		<u>312,351,000</u>

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

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

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

(3) \$228,000 of the administrative contingency fund--federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance

overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund--federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund--federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(9) \$235,000 of the unemployment compensation administration fund--federal appropriation is provided solely for payment of expenses in the administration of the state of Washington's unemployment compensation law and public employment offices from funds made available to this state under section 903 of the social security act, as amended, subject to the requirements of RCW 50.16.030. This amount shall not be spent for any other purpose.

Sec. 223. 1990 1st ex.s. c 16 s 232 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund Appropriation . . . . .	\$	((9,367,000))
		9,867,000
Health Professions Account Appropriation . . . . .	\$	1,541,000
State Toxics Control Account Appropriation. . . . .	\$	1,048,000
Medical Test Site Licensure Account		
Appropriation . . . . .	\$	244,000
TOTAL APPROPRIATION . . . . .	\$	((12,200,000))
		12,700,000

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, unless specifically prohibited under this section the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in this section or transferred under chapter 9, Laws of 1989 1st ex. sess. after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from the conditions and limitations.

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

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-



wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. **Sec. 224.** 1990 1st ex.s. c 16 s 210 & 1989 1st ex.s. c 19 s 209 (uncodified) are each repealed.

NEW SECTION. **Sec. 225.** 1990 1st ex.s. c 16 s 203 (uncodified) is repealed.

**"PART III  
NATURAL RESOURCES"**

**Sec. 301.** 1990 1st ex.s. c 16 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation--State . . . . .	\$	((61,296,000))
		<u>61,534,300</u>
General Fund Appropriation--Federal . . . . .	\$	27,024,000
General Fund Appropriation--Private/Local . . . . .	\$	432,000
Flood Control Assistance Account Appropriation . . .	\$	3,852,000
Special Grass Seed Burning Research Account		
Appropriation . . . . .	\$	81,000
Reclamation Revolving Account Appropriation . . . .	\$	474,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess. . . . .	\$	389,000
Litter Control Account Appropriation . . . . .	\$	((6,830,000))
		<u>7,040,000</u>
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26) . . . . .	\$	2,627,000
State and Local Improvements Revolving Account--		
Waste Disposal Facilities 1980: Appropriated		
pursuant to chapter 159, Laws of 1980		
(Referendum 39) . . . . .	\$	1,286,000
State and Local Improvements Revolving Account--		
Water Supply Facilities: Appropriated pursuant		
to chapter 234, Laws of 1979 ex. sess.		
(Referendum 38) . . . . .	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation . . . .	\$	300,000
Vehicle Tire Recycling Account Appropriation . . . .	\$	6,494,000
Water Quality Account Appropriation . . . . .	\$	3,161,000
Wood Stove Education Account Appropriation . . . .	\$	482,000

## Worker and Community Right-to-Know Fund

Appropriation . . . . .	\$	285,000
State Toxics Control Account . . . . .	\$	39,202,000
Local Toxics Control Account . . . . .	\$	41,328,000
Water Quality Permit Account Appropriation . . . . .	\$	7,135,000
Solid Waste Management Account Appropriation . . . . .	\$	5,600,000
Underground Storage Tank Account Appropriation . . . . .	\$	3,658,000
Hazardous Waste Assistance		
Account Appropriation . . . . .	\$	2,317,000
TOTAL APPROPRIATION . . . . .	\$	((215,839,000))
		<u>216,287,000</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 the general fund--state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(11) \$200,000 of the general fund--state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

(14) \$427,000 of the state and local improvement revolving account--water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(15) \$250,000 of the general fund--state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(16) \$70,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(17) \$200,000 of the general fund--state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

~~((21))~~ (20) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

~~((22))~~ (21) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

~~((23))~~ (22) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

~~((24))~~ (23) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

~~((26))~~ (24) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population

figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

((27)) (25) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

((28)) (26) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

((29)) (27) \$29,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 302. 1990 1st ex.s. c 16 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation--State . . . . .	\$	41,332,000
General Fund Appropriation--Federal . . . . .	\$	1,208,000
General Fund Appropriation--Private/Local . . . . .	\$	822,000
Trust Land Purchase Account Appropriation . . . . .	\$	((11,082,000))
		<u>11,696,000</u>
Winter Recreation Parking Account Appropriation . . . . .	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation . . . . .	\$	173,000
Snowmobile Account Appropriation . . . . .	\$	1,143,000
Public Safety and Education		
Account Appropriation . . . . .	\$	10,000
Motor Vehicle Fund Appropriation . . . . .	\$	1,100,000
TOTAL APPROPRIATION . . . . .	\$	((57,218,000))
		<u>57,832,000</u>

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

(1) \$60,000 of the general fund--state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating).

(3) \$200,000 of the general fund--state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

(5) \$614,000 of the trust land purchase account appropriation is provided solely to repair storm damage to state parks.

Sec. 303. 1990 1st ex.s. c 16 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation--State . . . . .	\$	(46,192,500)
		<u>50,839,500</u>
General Fund Appropriation--Federal . . . . .	\$	((639,000))
		<u>929,000</u>
General Fund Appropriation--Private/Local . . . . .	\$	((12,000))
		<u>54,000</u>
ORV (Off-Road Vehicle) Account Appropriation--		
Federal . . . . .	\$	3,266,000
Geothermal Account Appropriation--Federal . . . . .	\$	16,000
Forest Development Account Appropriation . . . . .	\$	((23,517,000))
		<u>25,773,000</u>
Survey and Maps Account Appropriation. . . . .	\$	1,090,000
Natural Resources Conservation Area Stewardship		
Account Appropriation. . . . .	\$	364,000
Aquatic Lands Enhancement		
Account Appropriation. . . . .	\$	635,000
Landowner Contingency Forest Fire Suppression		
Account Appropriation. . . . .	\$	2,119,000
Resource Management Cost Account Appropriation . . . . .	\$	((69,577,000))
		<u>68,053,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation. . . . .	\$	536,000
State Toxics Control Account Appropriation. . . . .	\$	399,000
TOTAL APPROPRIATION . . . . .	\$	((148,362,500))
		<u>160,073,500</u>

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

(1) ~~\$(4,654,000))~~ 9,080,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund--state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund--state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

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

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

(10) \$125,000 of the general fund--state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

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

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber landowners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund--state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land

base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund--state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund--state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

(17) \$136,000 of the general fund--state appropriation is provided solely to implement forest practices reviews required under the state environmental policy act and the federal threatened and endangered species act.

(18) \$85,000 of the general fund--state appropriation is provided solely for spartina control in Willapa harbor.

Sec. 304. 1990 1st ex.s. c 16 s 311 (uncodified) is amended to read as follows:

**FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION**

General Fund Appropriation . . . . . \$ 100,000,000

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

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and ~~((purchased))~~ acquired at fair market value. For purposes of this appropriation, notwithstanding RCW 43.51.270, as to moneys addressed in subsection (1) of this section, the proceeds from the ~~((sale))~~ transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the ~~((sale))~~ transfer of the land under subsection (2) of this section shall be used by the department, without further appropriation, to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

**"PART V  
EDUCATION"**

**Sec. 501.** 1990 1st ex.s. c 16 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPOINTMENT (BASIC EDUCATION)**

General Fund Appropriation . . . . . \$ ~~((4,340,690,000))~~  
4,355,345,000

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

(1) ~~\$(419,407,000)~~ 419,450,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

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

(d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;



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

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

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

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

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

(g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

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

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

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

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

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

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

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

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

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

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

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

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

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000))~~ 9,829,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~\$(358,000))~~ 350,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

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

(c) A maximum of ~~\$(272,000))~~ 184,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and ((7.0)) 8.0 percent from the 1989-90 school year to the 1990-91 school year.

(10)(a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of public instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The

percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

**Sec. 502.** 1990 1st ex.s. c 16 s 504 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC  
EDUCATION EMPLOYEE COMPENSATION INCREASES**

General Fund Appropriation . . . . . \$ (221,451,000)  
222,564,000

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

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

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

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

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

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

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

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

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

(3) ~~\$(7,517,000)~~ 7,527,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(30,396,000)~~ 30,426,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit

shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(183,538,000))~~ 184,611,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

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

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

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

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

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

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

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

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

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

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

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

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

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

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

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

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

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

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

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

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172

11	31,189
12	32,174
13	
14	
15 or more	

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

Years of Service	MA+90				
	BA+90	BA+135	MA	MA+45	or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14	36,762	38,573	36,786	39,154	40,892
15 or more	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

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

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

**Sec. 503.** 1990 1st ex.s. c 16 s 505 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES**

General Fund Appropriation . . . . . \$ (45,361,000)  
45,791,000

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

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

(2) A maximum of \$~~(15,010,000)~~ 15,190,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$48.08 per pupil for the 1990-91 school year.

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

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$240.15 per full time equivalent student for the 1990-91 school year.

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

(3) A maximum of \$~~(30,351,000)~~ 30,602,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

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

**Sec. 504.** 1990 1st ex.s. c 16 s 506 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES**

General Fund Appropriation . . . . . \$ (25,695,000)  
25,723,000

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

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for



each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(20,465,000))~~ 20,468,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of ~~\$(2,843,000))~~ 2,851,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of ~~\$(130,000))~~ 132,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of ~~\$(2,257,000))~~ 2,272,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

**Sec. 505.** 1989 1st ex.s. c 19 s 506 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS**

General Fund Appropriation . . . . . \$ ((33,141,000))  
34,921,000

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

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

~~(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.)~~ The appropriation in this section is for distribution to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322 (chapter 272, Laws of 1989) and Substitute Senate Bill No. 5418 (chapter 273, Laws of 1989).

**Sec. 506.** 1990 1st ex.s. c 16 s 507 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . .	\$	<del>((252,938,000))</del>
		<u>253,500,000</u>

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

- (1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.
- (2) A maximum of ~~\$((112,197,000))~~ 112,113,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.
- (3) A maximum of \$857,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$64,000 may be expended for bus driver training.
- (5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

**Sec. 507.** 1990 1st ex.s. c 16 s 509 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation--State . . . . .	\$	<del>((528,627,000))</del>
		<u>530,403,000</u>
General Fund Appropriation--Federal . . . . .	\$	59,000,000
TOTAL APPROPRIATION . . . . .	\$	<del>((587,627,000))</del>
		<u>589,403,000</u>

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

- (1) ~~\$((48,101,000))~~ 48,122,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.
- (2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.
- (3) A maximum of \$527,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.
- (4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.
- (5) \$150,000 of the general fund--state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the

amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund--state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 508. 1989 1st ex.s. c 19 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation . . . . .	\$	((14,067,000))
		<u>14,095,000</u>

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

Sec. 509. 1990 1st ex.s. c 16 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation . . . . .	\$	((95,844,000))
		<u>97,391,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$((95,844,000)) 97,391,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 510. 1990 1st ex.s. c 16 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation--State . . . . .	\$	((21,939,000))
		<u>22,228,000</u>

General Fund Appropriation--Federal . . . . .	\$	8,006,000
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TOTAL APPROPRIATION . . . . .	\$	((29,945,000))
		<u>30,234,000</u>

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

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

(2) \$11,374,000 of the general fund--state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$11,144 per full time equivalent student.

(b) \$3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,750 per full time equivalent student.

(c) \$444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,344 per full time equivalent student.

(d) \$821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,976 per full time equivalent student.

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

~~(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$11,128 per full time equivalent student and a total allocation of no more than \$2,960,000 for that school year.~~

~~(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,761 per full time equivalent student and a total allocation of no more than \$3,712,000 for that school year.~~

~~(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,489 per full time equivalent student and a total allocation of no more than \$445,000 for that school year.~~

~~(d)) (3) State funding for juvenile parole learning center programs for the 1990-91 school year may be distributed at a maximum rate averaged over all of these programs of \$2,021 per full time equivalent student and a total allocation of no more than \$((816,000 for that school year)) 841,000, excluding funds provided through the basic education formula established in section 502 of this act.~~

~~((e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,987 per full time equivalent student and a total allocation of no more than \$2,125,000 for that school year.))~~

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

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

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

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional

staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

**Sec. 511.** 1990 1st ex.s. c 16 s 512 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ (7,115,000)  
7,059,000

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

- (1) ~~\$(532,000)~~ 479,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.
- (2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.
- (3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.
- (4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

**Sec. 512.** 1990 1st ex.s. c 16 s 515 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation . . . . . \$ (17,035,000)  
18,753,000

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

- (1) ~~\$(1,521,000)~~ 1,518,000 is provided solely for the remaining months of the 1988-89 school year.
- (2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

**Sec. 513.** 1990 1st ex.s. c 16 s 516 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation . . . . . \$ (71,839,000)  
71,471,000

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

- (1) ~~\$(5,847,000)~~ 5,533,000 is provided solely for the remaining months of the 1988-89 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students

ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund Appropriation . . . . . \$ 50,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation, or as much thereof as may be necessary, is provided solely for strike observers and monitors retained by the superintendent of public instruction in the event of strikes or work stoppages in school districts. If no strikes occur or if the superintendent of public instruction is not required to retain strike observers, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation . . . . . \$ 2,062,000

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

(1) \$40,000 is provided solely for financial assistance to the southwest Washington child care consortium. This amount shall be used at existing sites to deliver child care services through June 30, 1991. None of this amount may be disbursed until the consortium has received approval from the office of financial management on its long-term financial proposal for operating its child care sites on a self-sustaining basis.

(2) \$22,000 is provided solely for a Northshore school district pilot program for teenage suicide prevention.

(3)(a) The legislature finds that state school feeding programs are essential to the health and well-being of many children and that continuing these programs during a teachers' work stoppage is in the best interests of the state of Washington.

The legislature intends to continue to provide food to eligible children during the teachers' work stoppage, which began on April 18, 1991, in forty-six districts throughout the state.

(b) \$2,000,000 of the appropriation, of as much thereof as may be necessary, is provided solely to replace federal funding for breakfasts and lunches that the state is not eligible to receive because of the teachers' work stoppage.

(c) The superintendent of public instruction may reimburse school districts with state funds from the appropriation provided in this subsection (3) for the amount of any unavailable federal share of funds for breakfasts or lunches actually provided to children during the teachers' work stoppage that began April 18, 1991.

**"PART VI  
HIGHER EDUCATION"**

**Sec. 601. 1989 1st ex.s. c 19 s 616 (uncodified) is amended to read as follows:  
FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation . . . . . \$ ~~((1,095,000))~~  
1,136,500

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

**"PART VII  
SPECIAL APPROPRIATIONS"**

Sec. 701. 1990 1st ex.s. c 16 s 701 (uncodified) is amended to read as follows:

<b>FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION</b>	
General Fund Appropriation for fire insurance premiums tax distribution . . . . . \$	((4,300,000)) <u>4,327,200</u>
General Fund Appropriation for public utility district excise tax distribution . . . . . \$	23,700,000
General Fund Appropriation for prosecuting attorneys' salaries . . . . . \$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution . . . . . \$	70,000,000
General Fund Appropriation for local mass transit assistance . . . . . \$	((215,000,000)) <u>229,017,450</u>
General Fund Appropriation for camper and travel trailer excise tax distribution . . . . . \$	2,200,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution . \$	((1,100,000)) <u>350,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . . . . \$	((90,000)) <u>80,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution . . . . . \$	((19,900,000)) <u>19,852,520</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . . \$	((316,000,000)) <u>320,973,531</u>
Liquor Revolving Fund Appropriation for liquor profits distribution . . . . . \$	48,750,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . . \$	((96,200,000)) <u>96,101,700</u>
Municipal Sales and Use Tax Equalization Account Appropriation . . . . . \$	((37,200,000)) <u>36,900,989</u>
County Sales and Use Tax Equalization Account Appropriation . . . . . \$	((12,800,000)) <u>12,924,165</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . . \$	((736,000)) <u>836,000</u>
TOTAL APPROPRIATION . . . . . \$	((850,253,000)) <u>868,290,555</u>

Sec. 702. 1989 1st ex.s. c 19 s 704 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account		
Appropriation . . . . .	\$	29,443,500
University of Washington Hospital Bond Retirement		
Fund 1975 Appropriation . . . . .	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund		
Appropriation . . . . .	\$	273,700
Higher Education Bond Retirement Fund 1979		
Appropriation . . . . .	\$	2,556,600
State General Obligation Bond Retirement Fund 1979		
Appropriation . . . . .	\$	(9,249,000)
		<u>4,423,000</u>
Spokane River Toll Bridge Revolving Account		
Appropriation . . . . .	\$	882,100
TOTAL APPROPRIATION . . . . .	\$	((43,576,500))
		<u>38,750,000</u>

Sec. 703. 1989 1st ex.s. c 19 s 708 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--EMERGENCY FUND**

General Fund Appropriation . . . . .	\$	((2,000,000))
		<u>2,200,000</u>

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

**NEW SECTION. Sec. 704.** A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, entities, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:

(a) John Clees, claim number SCG-90-03 . . . . .	\$	7,500.00
(b) Joseph Lenton, Jr., claim number SCG-90-05 . . . . .	\$	630.00
(c) Ralph Greenwood, claim number SCG-90-07 . . . . .	\$	9,900.00

(2) Reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution:

(a) John B. Olson, claim number SCJ-90-07 . . . . .	\$	77,223.00
(b) Roy Simons, claim number SCJ-90-08 . . . . .	\$	3,371.00
(c) Ted Hosey, claim number SCJ-90-06 . . . . .	\$	4,861.00
(d) Lawrence Jones, claim number SCJ-90-13 . . . . .	\$	3,327.00
(e) Jeffrey Strom, claim number SCJ-90-05 . . . . .	\$	5,818.00
(f) Antony Katoe, claim number SCJ-90-08 . . . . .	\$	20,581.00
(g) Connie Roseman, claim number SCJ-90-11 . . . . .	\$	4,356.00
(h) Wesley Grow, claim number SCJ-90-16 . . . . .	\$	3,446.00
(i) Greg Heil, claim number SCJ-90-18 . . . . .	\$	3,375.00
(j) Larry E. Miller, claim number SCJ-91-4 . . . . .	\$	8,236.00



(k) Jim Jones, claim number SCJ-91-5. . . . \$	1,550.00
(l) Charles Terrill, claim number SCJ-91-6. \$	3,514.50
(m) Brian Davis, claim number SCJ-91-1. . . \$	2,421.91
(n) Robert Henry, Kevin Ryan, and Ronnie Ryan, claim number SCJ-91-3 . . . . . \$	19,515.75
(o) Thea Veath, claim number SCJ-91-7 . . . \$	5,582.26
(p) Valerie Valdez, claim number SCJ-90-21 \$	4,194.94
(q) Francis W. Rock, claim number SCJ-91-9. . . . . \$	2,394.74
(r) Curtiss B. Fiechtner, claim number SCJ-91-8 . . . . . \$	4,951.35
(s) Michael A. Bognucci, claim number SCJ-91-2 . . . . . \$	1,797.58
(t) Gary & Beryle Murray, claim number SCJ-91-11 . . . . . \$	7,092.50
(3) Department of Corrections, for reimbursement of political subdivisions of criminal justice expenses incurred in the 1987-89 fiscal biennium, pursuant to RCW 72.72.030. . . . . \$	36,210.37
(4) City of Seattle, in settlement of all claims relating to claim number SCO-89-12, including interest . . . . . \$	20,876.05
(5) City of Yakima, in settlement of all claims relating to claim number SCO-89- 12, including interest. . . . . \$	8,100.00
(6) Employment Security Department, for payment in lieu of contributions with respect to benefits attributable to the Economic Development Board . . . . . \$	15,000.00

**Sec. 705.** 1990 1st ex.s. c 16 s 711 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

General Fund Appropriation: For transfer to the Institutional Impact Account . . . . . \$	<del>((332,536))</del> <u>465,806</u>
General Fund Appropriation: For transfer to the Miscellaneous Fund--Tort Claims Revolving Fund. . . . . \$	<del>((796,539))</del> <u>6,843,651</u>
Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund-- Tort Claims Revolving Fund. . . . . \$	160,000
<u>Resource Management Cost Account Appropriation:</u> <u>For transfer to the Miscellaneous Fund--Tort Claims</u> <u>Revolving Fund. . . . . \$</u>	45,911
<u>Forest Development Account Appropriation:</u> <u>For transfer to the Miscellaneous Fund--Tort Claims</u> <u>Revolving Fund. . . . . \$</u>	36,220
General Government Special Revenue Fund--State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned . . . . . \$	10,000,000

General Fund Appropriation: For transfer to the Natural Resources Fund--Water Quality Account \$	((15,378,000)) <u>16,519,200</u>
Data Processing Revolving Account: For transfer to the General Fund . . . . . \$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund . . . . . \$	2,400,000
Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account . . . . . \$	430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur . . . . . \$	430,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991 . . . . . \$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991 . . . . . \$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account . . . . . \$	15,000,000
Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources . . . . . \$	20,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit . . . . . \$	((15,800,000)) <u>9,836,827</u>
Building Code Council Account Appropriation: For transfer to the 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 . . . . . \$	60,267,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account . . . . . \$	2,832,000

**"PART VIII  
MISCELLANEOUS"**

**Sec. 801.** RCW 43.33A.160 and 1985 c 57 s 32 are each amended to read as follows:

(1) The state investment board shall be funded from the earnings of the funds managed by the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board. All earnings of investments of balances in the state investment board expense account shall be credited to the state investment board expense account.

(3) The legislature may appropriate specific amounts from the state investment board expense account to be used by the board for critical and unanticipated expenses incurred in exercising the board's fiduciary responsibilities associated with managing public trust and retirement funds. Before expending any amount under this subsection, the board shall authorize the expenditure by amount and purpose, and shall designate the fund or funds with respect to which the expenditure is authorized. The state treasurer shall transfer such amounts as are necessary to fully reimburse the state investment board expense account from the fund or funds with respect to which the expense is incurred to the state investment board expense account.

**NEW SECTION. Sec. 802.** This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by chapter 16, Laws of 1990 1st ex. sess. and this act.

**NEW SECTION. Sec. 803.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 804.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1990 1st ex.s. c 16 ss 105, 106, 108, 109, 111, 112, 114, 118, 119, 121, 122, 124, 128, 202, 205, 206, 207, 208, 209, 211, 212, 213, 216, 217, 218, 220, 221, 225, 227, 228, 229, 230, 231, 232, 302, 303, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 701, 711 (uncodified); amending 1989 1st ex.s. c 19 ss 113, 133, 201, 223, 506, 511, 616, 704, 708 (uncodified); amending 1990 c 299 s 202 (uncodified); amending RCW 43.33A.160; adding a new section to 1990 1st ex.s. c 16 (uncodified); repealing 1990 1st ex.s. c 16 s 210 and 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st ex.s. c 16 s 203 (uncodified); making appropriations; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5395 and asks the House to recede therefrom.

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

SECOND READING  
GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9152, William Glassford IV, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

## APPOINTMENT OF WILLIAM GLASSFORD IV

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Gaspard, Hayner, Sellar - 3.

## MESSAGE FROM THE HOUSE

April 25, 1991

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5458 and once again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5458 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. 5458 and the House amendments thereto: Senators West, Bauer and L. Smith.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

## MOTIONS

On motion of Senator Murray, Senator McMullen was excused.

On motion of Senator McCaslin, Senator Anderson was excused.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Erwin, Gubernatorial Appointment No. 9154, James L. Walesby, as a member of the Small Business Export Financial Assistance Board of Directors, was confirmed.

## APPOINTMENT OF JAMES L. WALESBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Anderson, Gaspard, McMullen, Sellar - 4.

## MOTION

On motion of Senator Erwin, Gubernatorial Appointment No. 9155, Dustin C. McCreary, as a member of the Public Employment Relations Commission, was confirmed.

## APPOINTMENT OF DUSTIN C. MCCREARY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Conner - 1.

Excused: Senators Anderson, Gaspard, McMullen, Sellar - 4.

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

## MESSAGES FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,

SUBSTITUTE HOUSE BILL NO. 1137,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,

SUBSTITUTE HOUSE BILL NO. 1496,

ENGROSSED HOUSE BILL NO. 1572,

SUBSTITUTE HOUSE BILL NO. 1709,

ENGROSSED HOUSE BILL NO. 1883,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,

SUBSTITUTE HOUSE BILL NO. 2140, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5082,

SUBSTITUTE SENATE BILL NO. 5108,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120,

SENATE BILL NO. 5111,

SUBSTITUTE SENATE BILL NO. 5266,

SUBSTITUTE SENATE BILL NO. 5301,

SUBSTITUTE SENATE BILL NO. 5332,

SECOND SUBSTITUTE SENATE BILL NO. 5358,

SENATE BILL NO. 5442,

SECOND SUBSTITUTE SENATE BILL NO. 5591,

ENGROSSED SENATE BILL NO. 5745,

ENGROSSED SENATE BILL NO. 5801,

SENATE BILL NO. 5821,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5837,

SUBSTITUTE SENATE BILL NO. 5873,

SUBSTITUTE SENATE BILL NO. 5916, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

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

## SENATE RESOLUTION 1991-8674

By Senators Matson, McMullen, Vognild, Gaspard, Roach, von Reichbauer, Johnson and Talmadge

WHEREAS, Law enforcement officers and fire fighters regularly face occupational hazards that, according to some studies, may result in a higher incidence of heart disease and cancer than would be expected for that population; and

WHEREAS, Difficult problems of proof may be inherent in occupational disease claims made by law enforcement officers and fire fighters based on heart disease and cancer; and

WHEREAS, Thirty-eight states have enacted some type of rebuttable presumption provision in their respective industrial insurance laws with respect to these types of occupational disease claims; and

WHEREAS, Resolution of the policy questions raised by the above-described occupational hazards requires careful analysis of factual, medical, and legal data;

NOW, THEREFORE, BE IT RESOLVED, That the Department of Labor and Industries, with the assistance of the Department of Environmental Health at the University of Washington and the State Department of Health, is requested to conduct a study of the unique occupational disease hazards encountered by law enforcement officers and fire fighters, and the efficacy of the occupational disease claim procedure, including but not limited to the following questions:

(1) The incidence of certain types of cancer in the law enforcement and fire fighter populations, giving due consideration to confounding variables, compared to an appropriate control group population. Consideration should be given to limiting the comparison to certain types of cancer;

(2) The incidence of heart disease, or of certain types of heart disease in the law enforcement officer and fire fighter population, giving due consideration to confounding variables, compared to an appropriate control group population;

(3) The problems of proof associated with occupational disease claims of law enforcement officers and fire fighters, particularly those claims based on heart disease and cancer; and

BE IT FURTHER RESOLVED, That in the conduct of the study, the department use the services of an advisory committee, appointed by the director, with representation from the following groups: Law enforcement and fire fighter employee associations, local government officials or risk managers, one or more members of the Washington State Bar Association whose practices are largely limited to industrial insurance, one or more members of the Washington State Medical Association who specialize in industrial health, either as providers or researchers, and other members as the director may find appropriate; and

BE IT FURTHER RESOLVED, That the study be completed and the findings reported to the Legislature by December 1, 1992.

Senator Vognild spoke to Senate Resolution 1991-8674

## MOTION

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

## SENATE RESOLUTION 1991-8675

By Senators Madsen, von Reichbauer, Rasmussen, Johnson, Amondson, Wojahn and Gaspard

WHEREAS, Pacific Lutheran University is one of the most honored and respected private institutions of higher education, and with its 3,875 students is the largest private school in the Northwest and the largest Lutheran university in North America; and

WHEREAS, Pacific Lutheran University has achieved this status over one hundred years of remarkable achievements, dramatic difficulties, and tenacious loyalty; and

WHEREAS, Pacific Lutheran University was founded in 1890 by men and women of the Lutheran Church in the Northwest who held education as a venerated part of their Scandinavian and Germanic traditions; and

WHEREAS, Pacific Lutheran University began as an academy, became a junior college in 1920, started offering four-year college education in 1940, and achieved university status in 1962; and

WHEREAS, Since the founding of Pacific Lutheran University, there have been nearly 27,000 graduates and approximately seventy-five percent of them have stayed as contributing citizens in the Northwest; and

WHEREAS, Dr. William O. Rieke, the university's eleventh president, is an alumnus of Pacific Lutheran University and has served as president since 1975;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commends Pacific Lutheran University on its one hundred years of education and service in the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate recognizes and encourages Pacific Lutheran University as it moves into its next century with the theme: "Educating for Service--Century II"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit this resolution to Dr. William O. Rieke, President of Pacific Lutheran University.

Senators Madsen, Amondson and Metcalf spoke to Senate Resolution 1991-8675.

## MOTION

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



## SENATE RESOLUTION 1991-8676

By Senators Thorsness, Sutherland, Saling and Talmadge

WHEREAS, Some recent scientific studies suggest a possible link between exposure to electric and magnetic fields (EMF) and human health effects; and

WHEREAS, There has been increasing public attention and concern about possible health effects from EMF; and

WHEREAS, Electricity is essential to the productivity, health, and security of all people in the United States; and

WHEREAS, It is recognized that there is a clear need for a solid scientific basis for decision making on the EMF issue, particularly with respect to the confident establishment of standards for field strength exposures; and

WHEREAS, It is also recognized that individual states and local jurisdictions do not have the resources to conduct thorough and conclusive scientific research on the health effects of EMF; and

WHEREAS, It is in the nation's best interest to address the possible health effects of EMF on a national basis, through research conducted by an independent institution with a credible track record in public health research;

NOW, THEREFORE, BE IT RESOLVED, That the Senate support any efforts by the Congress of the United States to provide, alone or in conjunction with other public and private entities, additional funding to expand and accelerate a national research program to address and resolve the growing concern about possible health effects from electric and magnetic fields and that the Senate support a research program overseen by an independent advisory board consisting of top-level officials from federal agencies, state health departments, and public utility commissions.

Senator Thorsness spoke to Senate Resolution 1991-8676.

## MOTION

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

## SENATE RESOLUTION 1991-8678

By Senators Oke Saling, McCaslin, McDonald, Metcalf, Cantu and Snyder

WHEREAS, The United States Navy undertook the United States Exploring Expedition, 1838, the nation's first maritime attempt to pursue the international pastime of seeking new lands for commercial exploitation, and the wealth and prestige such opportunities would bring the parent nation; and

WHEREAS, The United States Exploring Expedition, U.S. Ex. Ex. circumnavigated the earth between 1838 and 1842, establishing the United States as a great scientific and maritime power; and

WHEREAS, Under the iron-handed, irascible command of Lt. Charles Wilkes, a skilled navigator, the squadron of vessels, including the brig **Porpoise**, the sloops-of-war, **Vincennes** and **Peacock** and the schooner **Flying**

**Fish** established the United States presence worldwide, creating detailed charts eventually used during World War II and observations of military and national import; and

WHEREAS, The collections gathered by the scientific specialists enlisted to the U.S. Ex. Ex., has formed the nucleus of the National Institute, the Smithsonian and Botanical Gardens, paintings and illustrations to the National History Museum, Washington, D.C.; and

WHEREAS, The U.S. Ex. Ex. placed names on hundreds of geographical locations in what now is Washington State including Elliott Bay, Bainbridge Island, Commencement Bay, Wasp Islands, Brackenridge Bluff, Gig Harbor, Point Wells and Mount Constitution; and

WHEREAS, Penned in his hand 'I, notwithstanding stood for the bar of the Columbia River, after making every preparation to cross it, but on approaching nearer, I found breakers extending from Cape Disappointment to Point Adams, in one unbroken line' wrote Wilkes at his first observation of what now is Washington State which occurred on April 28, 1841, and on May 8, 1841 described the Narrows as 'nothing can be more striking than the beauty of these waters without a shoal or rock or any danger whatever...';

NOW, THEREFORE, BE IT RESOLVED, That in observation of the sesquicentennial of the Wilkes United States Exploring Expedition's approach to the Northwest, sighting the Columbia River and the contributions to our knowledge about the geography and ethnographic heritage of the Northwest, April 28, 1991, be known as **Charles Wilkes, United States Exploring Expedition Day** in Washington State.

Senator Oke spoke to Senate Resolution 1991-8678.

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

### MOTION

On motion of Senator Newhouse, the rules were suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 1341.

### REPORT OF CONFERENCE COMMITTEE

**ESHB 1341**

April 27, 1991

Includes "NEW ITEM": YES

Promoting economic development.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, Timber-dependent communities, have had the same under consideration and we recommend:

That the Senate floor amendment adopted 4/19/91 not be adopted; and that the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas.

NEW SECTION. Sec. 2. For the purposes of sections 2 through 10 of this act:

(1) "Board" means the economic recovery coordination board;

(2) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 3. (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, 1993.

**NEW SECTION. Sec. 4.** (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of this act are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, 1993.

**NEW SECTION. Sec. 5.** The Washington state institute for public policy at The Evergreen State College shall design an evaluation mechanism for the timber recovery act and undertake an evaluation of the act's effectiveness by November 1, 1993. The agencies implementing the timber recovery programs under this act shall assist the institute for public policy in this evaluation.

**NEW SECTION. Sec. 6.** (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after the effective date of this section, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, 1993.

**NEW SECTION. Sec. 7.** The department of trade and economic development, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

- (c) Identification and development of domestic market opportunities;
- (d) Building products export development assistance;
- (e) At-risk business development assistance;
- (f) Business network development; and
- (g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. In addition, the department shall develop an interagency agreement with the department of community development for local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.

For the 1991-93 biennium, the department of trade and economic development shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

NEW SECTION. Sec. 8. The department of trade and economic development shall increase the resources available to associate development organizations in counties meeting the following criteria, as determined by the employment security department: (1) A lumber and wood products employment location quotient at or above the state average; (2) a direct lumber and wood products job loss of one hundred positions or more; and (3) an annual unemployment rate twenty percent above the state average. These resources are for the purpose of providing economic and community development services in timber impact areas and providing resource and referral services to the community regarding state and local economic and community development services.

NEW SECTION. Sec. 9. The department of community development as a part of the agency timber task force and in consultation with the board, shall implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

In addition, the department shall develop an interagency agreement with the department of trade and economic development for local capacity-building grants to local governments and community-based organizations in timber impact areas.

NEW SECTION. Sec. 10. In order to explore economic diversification options in timber impact areas and address urban congestion, the Washington state air transportation commission study shall consider the possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 11. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to manufacturers with gross annual revenues

less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

**NEW SECTION. Sec. 12.** (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 11(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in section 2 of this act. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 11 through 14 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing

the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. **Sec. 13.** The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 11 through 14 of this act.

NEW SECTION. **Sec. 14.** The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 11 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 15.** RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of (~~seventeen~~) nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be (~~a representative of the governor~~) one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, (~~and~~) one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and



the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative ~~((s))~~ of ~~((companies))~~ a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

**Sec. 16.** RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration for))~~ shall enter into a contract under this chapter ~~((from the))~~ with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, ~~((may not have a duration of longer than two years,))~~ consistent with sections 11 through 14 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report ~~((at least twice))~~ annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the small business export finance assistance center, and, if appropriate, the department of agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 18 of this act.

**NEW SECTION. Sec. 18.** 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, 1997:

- (1) RCW 43.210.--- and 1991 c -- s 11 (section 11 of this act);
- (2) RCW 43.210.--- and 1991 c -- s 12 (section 12 of this act);
- (3) RCW 43.210.--- and 1991 c -- s 13 (section 13 of this act); and
- (4) RCW 43.210.--- and 1991 c -- s 14 (section 14 of this act).

**Sec. 19.** RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ~~((e))~~ (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. **Sec. 20.** A new section is added to chapter 43.168 RCW to read as follows:

Any funds appropriated by the legislature to the development loan fund for purposes of the timber recovery act shall be used for development loans in timber impact areas as defined in section 2 of this act.

**Sec. 21.** RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community

economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Timber impact areas do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Timber impact areas generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to timber impact areas.

Sec. 22. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 23. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

**Sec. 24.** RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.160 RCW to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which

the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties.

**NEW SECTION. Sec. 26.** (1) For the period beginning July 1, 1991, and ending June 30, 1993, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

**NEW SECTION. Sec. 27.** (1) As authorized by section 26 of this act, the board shall establish criteria for awarding loans to local governments in timber impact areas including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 26 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 26 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

Sec. 28. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

(1) 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.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in section 2 of this act, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in section 4 of this act shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 29. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

(A) (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district((~~- and~~)).

(b) Port districts having less than eight hundred million dollars in value of taxable property may at any time contract indebtedness or borrow money for port district purposes and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district. Prior to contracting for any indebtedness authorized by this subsection (1)(b), the port district must have a comprehensive plan for harbor improvements or industrial development and a long-term financial plan approved by the department of community development. The department of community development is immune from any liability for its part in reviewing or approving port district's improvement or development plans, or financial plans. Any indebtedness authorized by this subsection (1)(b) may be used only to acquire or construct a facility, and, prior to contracting for such indebtedness, the port district must have a lease contract for a minimum of five years for the facility to be acquired or constructed by the debt.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district((~~PROVIDED FURTHER, That~~)).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. ((Such)) Any contract for indebtedness or borrowed money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

~~((Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.))~~

NEW SECTION. Sec. 30. A new section is added to chapter 43.31 RCW to read as follows:

(1)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber impact areas obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber impact areas.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in a timber impact area.

(2) The department may make rules that are necessary to carry out this section and to coordinate the service described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(3) For purposes of this section, the definitions of "timber impact area" is the same as section 2 of this act.

NEW SECTION. Sec. 31. (1) Sections 2 through 10 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 14 of this act are each added to chapter 43.210 RCW.

NEW SECTION. Sec. 32. RCW 43.160.076 and 1991 c -- s 24 (section 24 of this act) & 1985 c 446 s 6 are each repealed effective June 30, 1993.

NEW SECTION. Sec. 33. Section 23 of this act expires June 30, 1993.

NEW SECTION. Sec. 34. Section 25 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 35. Section 20 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. 36. If specific funding for the purposes of section 5 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 7 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 7 of this act shall be null and void.

NEW SECTION. Sec. 38. If specific funding for the purposes of section 8 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 8 of this act shall be null and void.

NEW SECTION. Sec. 39. If specific funding for the purposes of section 9 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 9 of this act shall be null and void.

NEW SECTION. Sec. 40. If specific funding for the purposes of sections 11 through 18 of this act, referencing this act by section and bill numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 11 through 18 of this act shall be null and void.

NEW SECTION. Sec. 41. If specific funding for the purposes of section 30 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 30 of this act shall be null and void.

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.210.030, 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and 53.36.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.160 RCW; adding a new section to chapter 43.168 RCW; creating new sections; repealing RCW 43.160.076; providing an effective date; providing an expiration date; and declaring an emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Anderson, Owen, Amondson; Representatives Belcher, Sheldon, Bowman.

## MOTION

Senator Anderson moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1341, under suspension of the rules, be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Engrossed Substitute House Bill No. 1341, under suspension of the rules.

The motion by Senator Anderson carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1341, under suspension of the rules, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1341, as recommended by the Conference Committee, under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1341, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, as recommended by the Conference Committee, under suspension of the rules, having received the 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 eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1991-8684

By Senators Matson and Moore

WHEREAS, Constant social and economic changes impact employee-employer relations, requiring examination of state policies that affect such relationships; and

WHEREAS, State law should equitably protect the interest of both labor and management, and serve the broad public interest; and

WHEREAS, The goal of the State of Washington should be to establish a climate that enhances business success and labor peace and prosperity for all of the residents of the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate Commerce and Labor Committee establish a review group to study employee-employer relations to examine the impact of state and federal laws on multi-employer-employee bargaining unit labor relations; and

BE IT FURTHER RESOLVED, That the Senate Commerce and Labor Committee Chairman appoint the ten member review group including the following: (1) One member from each caucus of the Senate; (2) two members representing a general business organization; (3) two members representing a general organized labor organization; (4) two members representing a multibargaining group on behalf of employers; and (5) two members representing a multibargaining group on behalf of employees; and

BE IT FURTHER RESOLVED, That the Senate Commerce and Labor Committee may use Senate staff, agencies, and facilities as necessary to carry out the mandates of this resolution; and

BE IT FURTHER RESOLVED, That the review group report to the Senate Commerce and Labor Committee by January 1, 1992, or no later than the commencement of the 1992 regular session of the Legislature.

Senator Matson spoke to Senate Resolution 1991-8684.

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,  
 SUBSTITUTE HOUSE BILL NO. 1137,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,  
 SUBSTITUTE HOUSE BILL NO. 1496,  
 ENGROSSED HOUSE BILL NO. 1572,  
 SUBSTITUTE HOUSE BILL NO. 1709,  
 ENGROSSED HOUSE BILL NO. 1883,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,  
 SUBSTITUTE HOUSE BILL NO. 2140.

#### MOTION

At 5:13 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:50 p.m. by President Pritchard.

#### APPOINTMENT OF STATUTORY AND INTERIM COMMITTEES

The President announced the following appointments to statutory and interim committees:

STATUTORY COMMITTEE ON ENERGY AND UTILITIES: Senators Thorsness, Newhouse, Sutherland, Williams

LEGISLATIVE BUDGET COMMITTEE: Senators Wojahn, Gaspard, Bauer, Rinehart, Saling, Barr, Linda Smith, von Reichbauer

LEAP COMMITTEE: Senators Cantu, Anderson, Madsen, Gaspard

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Conner, Hansen, Madsen, McMullen, Vognild, West, Patterson, Sellar, Nelson, von Reichbauer, Thorsness

JOINT SELECT SUNSET COMMITTEE: Senators Oke, Craswell, Erwin, Rinehart, Sutherland

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

MESSAGES FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2093 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1352 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1401 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,

HOUSE BILL NO. 1355,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,

SUBSTITUTE HOUSE BILL NO. 1954,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,

SUBSTITUTE HOUSE BILL NO. 2050,

ENGROSSED HOUSE BILL NO. 2141,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4012, and the same  
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1629,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1671,  
SUBSTITUTE HOUSE BILL NO. 1710,  
HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1828,  
HOUSE BILL NO. 1853,  
SUBSTITUTE HOUSE BILL NO. 1936,  
HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 1993,  
SUBSTITUTE HOUSE BILL NO. 2048,  
SUBSTITUTE HOUSE BILL NO. 2056, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5670 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

**SSB 5670**

April 28, 1991

Includes "NEW ITEM": YES

Relating to children's mental health services.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5670, Relating to children's mental health services, have had the same under consideration and we recommend:

That all previous amendments not be adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 71.24.015 and 1989 c 205 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults (~~and children~~) of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed(~~, or chronically mentally ill~~) and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to (~~ensure that~~) promote the early identification of mentally ill children (~~in need of mental health care and treatment~~) and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and (~~to~~) should enable treatment decisions to be made in response to clinical needs (~~and~~) in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for monitoring and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

**Sec. 2.** RCW 71.24.025 and 1989 c 205 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(d).

(3) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill ((person) adult)" means ((a child or)) an adult who has a mental disorder(~~(, in the case of a child as defined by chapter 71.34 RCW,)~~) and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years (~~(or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services);~~) or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended(~~(, and shall include school attendance in the case of a child; or~~

~~(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect).~~

(6) "Severely emotionally disturbed child" means an infant or child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to;

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(7) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

((7)) (8) "Community support services" means services for acutely ~~(and)~~ mentally ill persons, chronically mentally ill ~~(persons)~~ adults, and severely emotionally disturbed children and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill ~~(persons)~~ adults and severely emotionally disturbed children.

((8)) (9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

((9)) (10) "Department" means the department of social and health services.

((10)) (11) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

((11)) (12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), (6), and ~~((15))~~ (16) of this section.

((12)) (13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

((13)) (14) "Residential services" means a facility or distinct part thereof which provides food and shelter, and may include treatment services.

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill ~~(persons)~~ adults, severely emotionally disturbed



children, or seriously disturbed ((persons)) adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

((44)) (15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults (~~and children~~), severely emotionally disturbed children, or seriously disturbed adults ((and children)) determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

((45)) (16) "Seriously disturbed person" means a person who:

- (a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;
- (b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;
- (c) Has a mental disorder which causes major impairment in several areas of daily living;
- (d) Exhibits suicidal preoccupation or attempts; or
- (e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

((46)) (17) "Secretary" means the secretary of social and health services.

((47)) (18) "State minimum standards" means: (a) Minimum requirements for delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to licensing service providers and services; (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource

management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) ~~((the))~~ chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services;

(c) Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420,

71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Prior to September 1, 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health ~~((care and corrections))~~ and long-term care committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, ~~((1989))~~ 1991. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, or severely emotionally disturbed, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1 of any year thereafter shall submit their intentions by October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the

biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~(g) ((Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.~~

(h)) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

((+)) (h) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

((+)) (i) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid

reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

**NEW SECTION. Sec. 4.** By December 1, 1991, the department shall develop criteria under the federal Title XIX early and periodic screening, diagnosis, and treatment program to serve acutely mentally ill and severely emotionally disturbed children in a manner that maximizes federal reimbursement by:

(1) Developing qualifications for certified mental health screening providers and ensuring that mental health screening, as appropriate and medically necessary, is coordinated with or does not duplicate complete screening examinations;

(2) Developing, in consultation with regional support networks and private practitioners, criteria for use by providers under the early and periodic screening, diagnosis, and treatment program to identify children with mental disorders eligible for referral to further evaluation, diagnosis, and treatment planning;

(3) Requiring prior authorization and utilization review for residential and inpatient services, including inpatient acute hospitalizations and evaluation and treatment facilities as defined in RCW 71.34.020; and

(4) Providing reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention or intervention and maximize the development and potential of acutely mentally ill and severely emotionally disturbed children and their families.

The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

**Sec. 5.** RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input

from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. RCW 71.24.800 and 1987 c 439 s 4 are each repealed.

NEW SECTION. Sec. 7. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

However, if any part of this act conflicts with such federal requirements, the state appropriation for mental health services provided to children whose mental disorders are discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program shall be provided through the division of medical assistance and no state funds appropriated to the division of mental health shall be expended or transferred for this purpose.

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, and 71.24.045; creating new sections; and repealing RCW 71.24.800.", and the bill do pass as recommended by the Conference Committee.

Signed Senators Niemi, West, Johnson; Representatives Leonard, Riley, Winsley.

#### MOTION

On motion of Senator West, the Report of the Conference Committee on Substitute Senate Bill No. 5670 was adopted.

#### MOTION

On motion of Senator Murray, Senators Rasmussen and Skratek were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5670, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5670, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Rasmussen, Sellar, Skratek - 3.

SUBSTITUTE SENATE BILL NO. 5670, as recommended by the 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.

#### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5418 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk



## REPORT OF CONFERENCE COMMITTEE

SSB 5418

April 26, 1991

Includes "NEW ITEM": YES

Relating to criminal justice.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5418, Relating to criminal justice, have had the same under consideration and we recommend:

That all previous amendments not be adopted; and that the following amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The task force on sentencing of adult criminal offenders is created.

(1) The task force shall have fourteen members.

(a) The governor shall appoint two members.

(b) The speaker of the house of representatives shall appoint six members, which shall include two members, one from each political party, from each of the following:

(i) The house judiciary committee;

(ii) The house human services committee; and

(iii) Either the house capital facilities and financing committee or the house appropriations committee, or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.

(c) The president of the senate shall appoint six members, which shall include two members, one from each political party, from each of the following standing committees:

(i) Senate law and justice committee;

(ii) Senate children and family services committee; and

(iii) Senate ways and means committee.

(2) The members of the task force shall select a chair or cochair from among the membership of the task force.

(3) Staff for the task force shall be provided by the senate, the house of representatives, and the office of financial management.

(4) The objectives of the task force are to:

(a) Determine whether the articulated purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes are appropriate;

(b) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010 are being achieved;

(c) Determine the extent to which alternatives to total confinement, including but not limited to intensive rehabilitation camps, are being used for adult felons and to make recommendations to ensure that those alternatives are ordered when appropriate; and

(d) Determine whether an expansion of the court's sentencing options would help achieve the purposes of the sentencing reform act.

(5) The task force shall consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

(6) The task force shall report to the appropriate standing committees of the legislature and to the governor not later than December 15, 1992.

(7) The task force shall cease to exist on January 1, 1993.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "creating a new section; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Rasmussen, Thorsness; Representatives Appelwick, Riley, Padden.

### MOTION

Senator Nelson moved that the rules be suspended and that the Report of the Conference Committee on Substitute Senate Bill No. 5418 be adopted.

### POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, does this mean then that the Senate's effort on criminal justice work groups and the effort that came over from the House on cooperation among local jurisdictions on law enforcement issues are both gone this session and the only thing we have is another broadly based task force that is going to recreate the wheel by looking at sentencing?"

Senator Nelson: "I'm not sure that anyone could answer that 'yes' or 'no' since there have been several task forces and efforts that the cities, counties and the state are joining in a cooperative effort to look at the criminal justice system from many aspects, both for adults and for juveniles. We did not receive the opportunity by the House to do the comprehensive action that was embodied in the original Senate Bill No. 5418."

Senator Talmadge: "So, Senator Thorsness's original bill is gone and also House Bill No. 1199, which required local governments to develop criminal justice councils, is gone?"

Senator Nelson: "We had 1199 as an amendment to 5418 and that was clipped off during the process in the House and yes, we do not have the original 5418."

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute Senate Bill No. 5418, under suspension of the rules.

The motion by Senator Nelson carried, the Report of the Conference Committee on Substitute Senate Bill No. 5418, under suspension of the rules, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418, as recommended by the Conference Committee, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Bauer, Bluechel, Cantu, Erwin, Gaspard, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 34.

Voting nay: Senators Amondson, Anderson, Barr, Conner, Craswell, Hansen, Hayner, Moore, Newhouse, Niemi, Patterson, Talmadge, Wojahn - 13.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5418, as recommended by the Conference Committee, under suspension of the rules, having received the 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

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5478 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### REPORT OF CONFERENCE COMMITTEE

SB 5474

April 27, 1991

Includes "NEW ITEM": YES

Planning a data collection and reporting system on children.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5474, Planning a data collection and reporting system on children, have had the same under consideration and we recommend:

That all previous amendments not be adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A task force is created to improve the collection and reporting of data about conditions affecting the education and well-being of children. The primary objective of the task force is to provide data aggregated by school districts for use by school districts and state and local policymakers in the planning and evaluation of local and state education programs, practices, and activities.

NEW SECTION. **Sec. 2.** (1) One representative shall be appointed to the task force created in section 1 of this act from each of the following: Office of the superintendent of public instruction, department of social and health services, department of health, employment security department, department of community development, department of information services, office of financial management, the administrator for the courts, Washington association of school administrators, Washington state school directors' association, Washington state association of counties, association of Washington cities, house of representatives staff, and senate staff.

(2) The task force shall select a chair from among its members.

(3) The task force shall consult with the Washington school information processing cooperative, educational service districts, groups representing racial and ethnic minorities, and other interested parties.

(4) The Washington state institute for public policy shall coordinate and staff the task force, and may contract for technical consulting services as needed.

NEW SECTION. **Sec. 3.** The task force shall, by December 1, 1991:

(1) Identify the likely uses for demographic data on the education and well-being of children, and determine what type of data is needed, or would be useful, in the planning and evaluation of local and state education programs, practices, and activities;

(2) Determine the feasibility, cost, and actions required to aggregate the data identified in subsection (1) of this section by school districts;

(3) Determine the feasibility, cost, and actions required to report the data identified in subsection (1) of this section to school districts and state and local policymakers, ensuring that quality control and appropriate confidentiality and privacy safeguards are provided;

(4) Identify measures necessary to ensure the adequate collection and reporting of the data, including the use of common data definitions and reporting timelines;

(5) Implement those actions that can be taken with little or no cost, and identify actions, with proposed timelines, in which additional resources are required;

(6) Examine related issues as the task force deems appropriate; and

(7) Report to the appropriate committees of the legislature its findings, specific actions taken to improve data collection and reporting, and what additional actions and resources are needed to further improve data collection and reporting on the well-being and education of children.

**Sec. 4.** RCW 28A.175.010 and 1986 c 151 s 1 are each amended to read as follows:

~~((1) Beginning with the 1986-87 school year,))~~ Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

~~((a))~~ (1) For students enrolled in each of a school district's high school programs:

(a) The number of students eligible for graduation in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) The number of students who enter from other schools;

(f) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

(g) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades nine through twelve((:)).

~~((b))~~ (3) Dropout rates for student populations((, by ethnicity,)) in each of the grades nine through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

~~((e))~~ (4) The causes or reasons, or both, attributed to students for having dropped out of school in grades nine through twelve.

~~((2))~~ (5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

~~((3))~~ (6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

~~((4) Beginning with the 1987 legislative session,))~~ (7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section. ((Beginning with the 1991 legislative session, the report shall include the number of students in the ninth through twelfth grades who drop out of school over a four-year period.))

NEW SECTION. Sec. 5. Section 4 of this act shall expire June 1, 1994.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall expire December 1, 1991.

NEW SECTION. Sec. 7. Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "well-being;" strike the remainder of the title and insert "amending RCW 28A.175.010; creating new sections; providing expiration dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Erwin, Pelz; Representatives Peery, Neher.

## MOTION

On motion of Senator Bailey, the Report of the Conference Committee on Senate Bill No. 5474 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474, as recommended by the Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Jesernig, M. Kreidler, Madsen, McMullen, Murray, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Williams - 22.

Voting nay: Senators Amondson, Anderson, Cantu, Craswell, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Patterson, Roach, L. Smith, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 25.

Excused: Senators Rasmussen, Sellar - 2.

SENATE BILL NO. 5474, as recommended by the Conference Committee, having failed to receive the constitutional majority, was declared lost.

## MESSAGE FROM THE HOUSE

April 28, 1991

## MR. PRESIDENT:

The Speaker has ruled the Second Report of the Conference Committee to SUBSTITUTE HOUSE BILL NO. 1956 beyond the scope and object of the bill. The House requests that the conference committee be discharged and asks the Senate to recede from its amendments, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Barr moved that the Conference Committee on Substitute House Bill No. 1956 be discharged and that the Senate do recede from its amendments to Substitute House Bill No. 1956.

## POINT OF ORDER

Senator Snyder: "A point of order, Mr. President, didn't we originally pass the bill as amended by the Conference Committee? Wouldn't we have to, at some point, reconsider the vote by which that was passed--just to make the record clear?"

## REPLY BY THE PRESIDENT

President Pritchard: "The point of order by Senator Snyder is well taken and the Senate will have to reconsider the vote by which the Second Conference Committee Report was accepted."

## MOTION FOR RECONSIDERATION

Senator Newhouse moved that the Senate reconsider the vote by which the Second Report of the Conference Committee on Substitute House Bill No. 1956 was adopted.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Second Report of the Conference Committee on Substitute House Bill No. 1956 was adopted.

The motion by Senator Newhouse carried and the Senate will reconsider the vote by which the Second Report of the Conference Committee on Substitute House Bill No. 1956 was adopted.

The Second Report of the Conference Committee on Substitute House Bill No. 1956 was not adopted, on reconsideration.

The President declared the question before the Senate to be the motion by Senator Barr that the Conference Committee on Substitute House Bill No. 1956 be discharged and that the Senate do recede from its amendments to Substitute House Bill No. 1956.

The motion by Senator Barr carried and the Conference Committee was discharged and the Senate receded from its amendments to Substitute House Bill No. 1956.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1956, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1956, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1956, without the Senate amendments, having received the 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:

SUBSTITUTE HOUSE BILL NO. 1629,

HOUSE BILL NO. 1642,

SECOND SUBSTITUTE HOUSE BILL NO. 1671,

SUBSTITUTE HOUSE BILL NO. 1710,

HOUSE BILL NO. 1757,

SUBSTITUTE HOUSE BILL NO. 1828,  
HOUSE BILL NO. 1853,  
SUBSTITUTE HOUSE BILL NO. 1936,  
HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 1993,  
SUBSTITUTE HOUSE BILL NO. 2048,  
SUBSTITUTE HOUSE BILL NO. 2056, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION FOR RECONSIDERATION

Senator Newhouse moved that the Senate reconsider the vote by which the Senate passed Substitute House Bill No. 1956, without the Senate amendments, earlier today.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Senate passed Substitute House Bill No. 1956, without the Senate amendments.

The motion by Senator Newhouse carried and the Senate will reconsider the vote by which Substitute House Bill No. 1956, without the Senate amendments, passed the Senate.

Substitute House Bill No. 1956, without the Senate amendments, on reconsideration, was not passed.

### MOTION

On motion of Senator Newhouse, the Senate refuses to recede from its amendments to Substitute House Bill No. 1956 and asks the House to concur therein.

### MESSAGE FROM THE HOUSE

April 28, 1991

#### MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1885 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

### MOTION

At 7:33 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:01 p.m. by President Pritchard.



## SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,  
HOUSE BILL NO. 1355,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,  
SUBSTITUTE HOUSE BILL NO. 1954,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,  
SUBSTITUTE HOUSE BILL NO. 2050,  
ENGROSSED HOUSE BILL NO. 2141,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4012.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5010,  
SENATE BILL NO. 5147,  
SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5756,  
ENGROSSED SENATE BILL NO. 5824.

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

## SECOND READING

HOUSE BILL NO. 1299 by Representatives Phillips, Holland, Wang, Horn, Fraser, Ballard, Rust, Brumsickle, Leonard, Tate, Pruitt, Haugen, May, Nelson, Bowman, O'Brien, Nealey, Heavey, D. Sommers, Belcher, Broback, Jacobsen, Ferguson, Morris, Winsley, Appelwick, Van Luven, Franklin, Wynne, H. Sommers, Neher, Wineberry, Mitchell, Ogden, Edmondson, Spanel, Forner, Casada, Wood, Mielke, P. Johnson, Kremen, Dorn, Paris, Wilson, Fuhrman, Lisk, Zellinsky, Vance, Hochstatter, Cooper, Betrozoff, Schmidt, Brough, Chandler, Miller, McLean, R. King, Jones, Silver, Dellwo, Rayburn, H. Myers, Bray, Roland, Valle, Basich, Hine, Scott and Anderson.

Increasing the maximum income limits for senior citizens and retired persons' tax exemptions.

The bill was read the second time.

## MOTIONS

On motion of Senator McDonald, the following amendment was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.38.020 and 1984 c 220 s 20 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) "Claimant" means a person who (~~is receiving a property tax exemption under RCW 84.36.381 through 84.36.389 and who~~) either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on ((his)) the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

**Sec. 2.** RCW 84.38.030 and 1988 c 222 s 11 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on ~~((his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 on))~~ up to eighty percent of the amount of ((his)) the claimant's equity value in ~~((said property)) the claimant's residence~~ if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income limits.

(2) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of thirty thousand dollars or less.

(3) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

~~((2))~~ (4) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

~~((3))~~ (5) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

**Sec. 3.** RCW 84.36.381 and 1987 c 301 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his

or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must (~~have been~~) be sixty-one years of age or older on (~~January 1st~~) December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) (a) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of fourteen thousand dollars or less but greater than twelve thousand dollars shall be exempt from all regular property taxes on the greater of twenty-four thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed forty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less shall be exempt from all regular property taxes on the greater of twenty-eight thousand dollars or fifty percent of the valuation of his or her residence.

**Sec. 4.** RCW 84.36.383 and 1991 c \_\_\_ s 1 (HB 1642) are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location

upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person received in the home or in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act shall be effective for taxes levied for collection in 1991 and thereafter. Sections 3 and 4 of this act shall be effective for taxes levied for collection in 1992 and thereafter.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 4 of the title, after "year;" strike the remainder of the title and insert "amending RCW 84.38.020, 84.38.030, 84.36.381, and 84.36.383; creating a new section; and declaring an emergency."

## MOTION

On motion of Senator McDonald, House Bill No. 1299, 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. 1299, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1299, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

HOUSE BILL NO. 1299, 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. 1301 by House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Fraser, Horn, Rust, Brumsickle, Leonard, Ballard, Nelson, Heavey, Haugen, Winsley, Jacobsen, May, Morris, Ferguson, Appelwick, Phillips, H. Sommers, Belcher, Locke, Pruitt, Franklin, Spanel, Van Luven, Cooper, Wineberry, H. Myers, Bray, Scott and Anderson)

Improving property tax administrative practices.

The bill was read the second time.

## MOTIONS

On motion of Senator McDonald, the following amendment was adopted: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The department of revenue shall study the administration of the property tax system. The study shall include examination of and recommendations regarding the following issues:

(a) Annual revaluations:

(i) Whether the property tax system would be improved by revaluing all property annually, and if annual revaluations would be an improvement, the extent of the improvement.

(ii) The cost of increasing the frequency of revaluations, including the increased burden on smaller counties.

(iii) Whether any move to annual revaluations should be phased in over a period of years.

(iv) Whether the state should assist in meeting any increased costs of annual revaluations.

(v) What assistance the department can provide in helping counties achieve annual revaluations.

(b) General property tax administration:

(i) The adequacy of information and tools relating to property location and value, including items such as maps, property data, sales data, geographic information systems, and computer systems.

(ii) The proper role and the effectiveness of county boards of equalization.

(iii) The adequacy of auditing procedures for property tax relief programs.

(iv) Any other property tax administration problems that the department determines warrant study and recommendations to the legislature.

(2) The department shall report the findings of the study and the recommendations of the department to the committees of the legislature that deal with revenue matters no later than November 30, 1991.

NEW SECTION. Sec. 2. A new section is added to chapter 84.08 RCW to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the one hundred six percent limit.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation.

Sec. 3. RCW 36.21.015 and 1977 c 75 s 30 are each amended to read as follows:

(1) Any person having the responsibility of valuing real property for purposes of taxation including persons acting as assistants or deputies to a county assessor under RCW 36.21.011 (~~(as now or hereafter amended,)~~) shall have first:

~~((1)) Graduated from an accredited high school or passed a high school equivalency examination;~~

~~((2)) (a) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;~~

~~((3)) (b) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; (and~~

~~((4)) (c) Become knowledgeable in the standards for appraising property set forth by the department of revenue; and~~

~~(d) Met other minimum requirements specified by department of revenue rule.~~

(2) The department of ~~(personnel shall prepare with the advice of the department of)~~ revenue shall prepare and administer an examination on ~~((the))~~ subjects ((of subsections (3) and (4), and)) related to the valuation of real property. No person shall assess real property for purposes of taxation without having passed said examination or having received an examination waiver from the department of revenue upon showing education or experience determined by the department to be equivalent to passing the examination. A person passing said examination or receiving an examination waiver shall be ((certified)) accredited accordingly by the ~~((director of the))~~ department of ~~(personnel: PROVIDED, HOWEVER, That))~~ revenue.

(3) The department of revenue may by rule establish continuing education requirements for persons assessing real property for purposes of taxation. The department shall provide accreditation of completion of requirements imposed under this section. No person shall assess real property for purposes of taxation without complying with requirements imposed under this subsection.

(4) To the extent practical, the department of revenue shall coordinate accreditation requirements under this section with the requirements for certified real estate appraisers under chapter 18.140 RCW.

(5) The examination requirements of subsection (2) of this section shall not apply to any person who shall have either:

((1)) (a) Been certified as a real property appraiser by the department of personnel prior to ((May 21, 1971)) July 1, 1992; or

((2)) (b) Attended and satisfactorily completed the assessor's school operated jointly by the department of revenue and the Washington state assessors association prior to August 9, 1971.

Sec. 4. RCW 36.21.100 and 1987 c 138 s 8 are each amended to read as follows:

Every county assessor shall report to the department of revenue on the property tax levies and related matters within the county annually at a date and in a form prescribed by the department of revenue. The report shall include, but need not be limited to, the results of sales-assessment ratio studies performed by the assessor. The ratio studies shall be based on use classes of real property and shall be performed under a plan approved by the department of revenue.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except section 3 of this act, which shall take effect July 1, 1992.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 4 of the title, after "study;" strike the remainder of the title and insert "amending RCW 36.21.015 and 36.21.100; adding a new section to chapter 84.08 RCW; creating a new section; providing an effective date; and declaring an emergency."

## MOTION

On motion of Senator McDonald, Substitute House Bill No. 1301, as amended by the Senate, was advanced the 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. 1301, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1301, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Pelz, Rinehart, Roach,

Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators Anderson, Hansen, Matson, McCaslin, Newhouse, Patterson, Saling, Stratton - 8.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1301, 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 to immediately reconsider the vote by which Senate Bill No. 5474, as recommended by the Conference Committee, failed to pass the Senate earlier today.

#### PARLIAMENTARY INQUIRY

Senator Talmadge: "A parliamentary inquiry, Mr. President. Does this motion to suspend the rules in order to do an immediate reconsideration require a majority vote or two thirds vote?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Just a majority vote."

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which Senate Bill No. 5474, as recommended by the Conference Committee, failed to pass the Senate.

The motion for reconsideration carried on a rising vote.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474, as recommended by the Conference Committee, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474, as recommended by the Conference Committee, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Niemi, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Williams - 29.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Craswell, Hayner, Matson, McCaslin, Moore, Nelson, Newhouse, Oke, Patterson, Roach, L. Smith, Talmadge, West, Wojahn - 18.

Excused: Senators Rasmussen, Sellar - 2.



SENATE BILL NO. 5474, as recommended by the Conference Committee, 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.

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5612 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

SSB 5612

April 27, 1991

Includes "NEW ITEM": YES

Changing provisions relating to natural resources conservation areas.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5612, Changing provisions relating to natural resources conservation areas, have had the same under consideration and we recommend:

That all previous amendments not be adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 79.71.010 and 1987 c 472 s 1 are each amended to read as follows:

The legislature finds that: (1) ~~((That))~~ There is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) ~~((that))~~ such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for ~~((dispersed))~~ low impact public ~~((recreation))~~ use; (3) ~~((that))~~ in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

**Sec. 2.** RCW 79.71.020 and 1987 c 472 s 2 are each amended to read as follows:

Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

(1) Lands identified as having high priority for conservation, natural systems, wildlife, and ~~((dispersed recreational))~~ low-impact public use values;

(2) ~~((Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important geological features))~~ An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;

(3) Examples of native ecological communities; and

(4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

Sec. 3. RCW 79.71.030 and 1987 c 472 s 3 are each amended to read as follows:

As used in this chapter:

"Commissioner" means the commissioner of public lands.

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems be unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Low-impact public use" includes public recreation uses and improvements that do not adversely affect the resource values, are appropriate to the maintenance of the site in a relatively unmodified natural setting, and do not detract from long-term ecological processes.

"Management ~~((for conservation purposes))~~ activities" may include limited production of income from forestry, agriculture, or other resource management activities, if such actions are consistent with the other purposes and requirements of this chapter.

~~(("Washington natural resources conservation area" is an area of land and/or water which retains to some degree or has reestablished its natural character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.))~~

"Natural resources conservation area" or "conservation area" means an area having the characteristics identified in RCW 79.71.020.

Sec. 4. RCW 79.71.050 and 1987 c 472 s 5 are each amended to read as follows:

The department is authorized to transfer fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution, for the creation of natural resources conservation ~~((management))~~ areas, ~~((providing there is))~~ provided the owner of the trust land receives full fair market value compensation for all rights transferred. The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department's fiduciary obligations and to maintain the productive land base of the various trusts.

Sec. 5. RCW 79.71.060 and 1987 c 472 s 6 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with ~~((the purposes of this chapter))~~ characteristics identified in RCW 79.71.020.

Sec. 6. RCW 79.71.070 and 1987 c 472 s 7 are each amended to read as follows:

The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for ~~((primitive recreation))~~ low-impact public and environmental educational uses. The plan shall specify what types of management activities ~~((will be))~~ and public uses that are permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

Sec. 7. RCW 79.71.080 and 1987 c 472 s 8 are each amended to read as follows:

The department is authorized to administer natural ~~((resource[s]))~~ resources conservation areas and may enter into management agreements for these areas with ~~((other))~~ federal agencies, state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted ~~((site))~~ management plan. All management activities within a Washington natural resources conservation area will conform with the plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the natural resources conservation areas stewardship account ~~((established in RCW 79.71.090)).~~

Sec. 8. RCW 79.71.090 and 1987 c 472 s 9 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account. The state treasurer may not deduct a fee for managing the funds in the stewardship account.

Appropriations from this account to the department shall be expended for no other purpose than the following: (1) To manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70 RCW; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapter 79.70 RCW or this chapter or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.

NEW SECTION. Sec. 9. The balance in the conservation area account is transferred to the natural resources conservation areas stewardship account under RCW 79.71.090.

NEW SECTION. Sec. 10. Two million dollars from the existing stewardship account balance shall remain in the account to create an endowment.

NEW SECTION. Sec. 11. RCW 79.71.110 and 1987 c 472 s 11 are each repealed.

NEW SECTION. Sec. 12. A new section is added to chapter 77.12 RCW to read as follows:

(1) The Union Bay portion of Lake Washington is recognized as a prime wetland area that is of significant importance for wildlife habitat, educational opportunity, and recreation. It is also situated near an important research institution, the University of Washington.

(2) The department shall coordinate a cooperative planning effort, to include all interested property owners and managers within or adjacent to Union Bay, and other

interested parties, to identify and plan for the Union Bay cooperative wildlife habitat management area. The boundaries of the area shall be delineated by all cooperators in the effort. The plan may not contain restrictions or limitations on the rights of property owners that are more restrictive than the restrictions and limitations in effect on the effective date of this section. The plan may not contain restrictions on water-related uses of the bay that are more restrictive than those in effect on the effective date of this section.

(3) The department and cooperators identified pursuant to subsection (2) of this section shall identify wildlife resources of, wildlife management objectives for, and compatible uses with wildlife in the Union Bay cooperative wildlife habitat management area. The department and cooperators shall also identify appropriate environmental education opportunities for the area. The department and cooperators shall develop a plan for comangement of the Union Bay cooperative wildlife habitat management area.

(4) The department shall provide progress reports to the house of representatives committee on fisheries and wildlife and the senate committee on environment and natural resources by December 1, 1991, and December 1, 1992.

(5) The department may solicit gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, to be directed to the department for carrying out the purposes of this section. The department may solicit contracts for work, financial and in-kind contributions, and support from private industries, interest groups, federal and state sources, and other sources, for the purposes of this section.

NEW SECTION. Sec. 13. If specific funding for the purposes of section 12 of this act, referencing section 12 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 12 of this act shall be null and void.

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, and 79.71.090; adding a new section to chapter 77.12 RCW; creating new sections; and repealing RCW 79.71.110.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Metcalf, Sutherland, Bluechel; Representatives Belcher, Beck, G. Fisher.

#### MOTION

On motion of Senator Bluechel, the Report of the Conference Committee on Substitute Senate Bill No. 5612 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5612, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kroidler,

Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Nelson - 1.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5612, as recommended by the 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.

### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1275 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

### MOTION

On motion of Senator McMullen the following resolution was adopted:

#### SENATE RESOLUTION 1991-8651

By Senator McMullen

WHEREAS, On February 22, 1991, Fidalgo Bay in Anacortes, Washington, experienced a potential environmental disaster; and

WHEREAS, Alaskan crude oil spilled into Fidalgo Bay and onto adjacent land, threatening the environment; and

WHEREAS, Volunteers from Anacortes, Bellingham, Everett, Mt. Vernon, San Juan Islands, Seattle, Sedro Woolley, Shelton, Tacoma, Vashon Island, and Vancouver, British Columbia, were instrumental in minimizing environmental damage; and

WHEREAS, Members of the Island Oil Spill Association, a first of its kind localized oil response team reacted immediately, efficiently, and effectively to the crisis; and

WHEREAS, Members of PAWS (Progressive Animal Welfare Society) working in the HOWL (Help Our Wildlife) wildlife rehabilitation center, labored tirelessly to save the lives of oil-soaked sea birds; and

WHEREAS, Federal, state, and local agencies stepped forward to work around the clock with precision and competence; and

WHEREAS, Private industry including Texaco, Foss Maritime, Clean Sound Inc., and Reidel Environmental Services, reacted with speed, reducing environmental damage;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor all the citizens of the state who participated in the quick and effective cleanup and restoration of Fidalgo Bay.

Senator McMullen spoke to Senate Resolution 1991-8651.

#### MOTION

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

#### SENATE RESOLUTION 1991-8669

By Senator Jesernig

WHEREAS, Some individuals have conditions and situations that may seem insurmountable to most people; and

WHEREAS, Larry Seifert of Kennewick, Washington, is an individual who at age four to six months suffered from severe anemia causing brain damage and mental disabilities, but after attending a school for the mentally disabled, was able to enroll and succeed in the public school system from age ten years to the present time at Columbia Basin Community College, has successfully worked in many positions including a permanent position with Kennewick schools, and has received his pilot's license; and

WHEREAS, Larry visits various countries and states in the United States to promote positive teaching methods for mentally disabled people, and is an example of the accomplishments that many believe are nearly impossible for mentally disabled individuals, showing us that many individuals may attain much if supported, nurtured, and assisted to learn. Larry has worked unselfishly for this goal of education of the mentally disabled;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Larry Seifert's accomplishments by this resolution; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Larry Seifert.

Senator Jesernig spoke to Senate Resolution 1991-8669.

#### MOTION

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

## SENATE RESOLUTION 1991-8679

By Senators Matson and McMullen

WHEREAS, The economy of this state is significantly impacted by the economic and competitive health of the construction industry; and

WHEREAS, The many specialties, suppliers, and allied services that make up the construction industry contribute to most projects, but are widely disparate in their bargaining power with each other; and

WHEREAS, The industry is highly dependent on and sensitive to the prompt flow of payment from public and private owners and from contractors to contractors and to suppliers; and

WHEREAS, There is evidence that, in both public and private works of improvement to real property, payment is frequently unreasonably withheld, and adequate remedies and incentives to encourage timely payment may not exist;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Commerce and Labor continue its study of methods for encouraging prompt and fair payment for private works of improvement to real property to all project participants. Methods to be studied include, but are not limited to, the imposition of trust status on construction funds and special interest charges; and

BE IT FURTHER RESOLVED, That the study also include the payment practices of public entities pursuant to contracts for the construction, repair, or remodeling of improvements to real property, to evaluate the need for corrective legislation. The study shall include, but not be limited to, the promptness of payment, compliance with payment schedules established by contract, retainage contract provisions and practices, and the adequacy of interest payments of other remedies and incentives to encourage timely payment. The study shall be made in consultation with affected general construction associations and related services, state and local government agencies, including school, port, and hospital districts, the departments of transportation and general administration, and the office of financial management; and

BE IT FURTHER RESOLVED, That the study shall be completed and a report made to the Legislature by the commencement of the 1992 legislative session.

Senator Matson spoke to Senate Resolution 1991-8679.

## MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

## SENATE RESOLUTION 1991-8687

By Senators von Reichbauer and McDonald

WHEREAS, Businesses engaged in the marketing of securities, insurance, and financial advice, are an integral part of the economy of the state of Washington; and

WHEREAS, The marketing of these financial products is often conducted by independent contractors not employed by specified companies; and

WHEREAS, Independent contractors that are licensed to market insurance and securities products are often required by law to conduct transactions through another licensee that is also an independent contractor; and

WHEREAS, Both independent contractor licensees often pay B & O tax on the same receipts generated out of a single transaction; and

WHEREAS, When both licensees pay B & O tax on a single transaction, this results in a portion of the receipts from a transaction being taxed twice; and

WHEREAS, The double taxation that can occur in securities and insurance transactions has a major impact on the ability of these businesses to compete successfully both on an interstate and intrastate basis; and

WHEREAS, The issue of the double B & O tax in securities and insurance transactions needs to be studied to determine appropriate solutions;

NOW, THEREFORE, BE IT RESOLVED, That a Senate select committee be established to study the taxation of insurance and securities transactions; and

BE IT FURTHER RESOLVED, That the select committee created herein consist of three members from the Ways and Means Committee and three members of the Financial Institutions and Insurance committee; and

BE IT FURTHER RESOLVED, That the Senate Select Committee on the Taxation of Securities and Insurance Transactions study the issues raised by this resolution and report to the Legislature by January 1, 1992, its findings and recommendations including proposed legislation.

Senator von Reichbauer spoke to Senate Resolution 1991-8687.

## MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

## SENATE RESOLUTION 1991-8686

By Senators von Reichbauer and Moore

WHEREAS, State chartered commercial banks in towns of 5,000 people or less are authorized to act as an insurance agent; and

WHEREAS, Various reasons have been given as underlying this authorization, including the augmentation of income for banks located in small



towns and the provision of financial services that may not otherwise be able in small towns; and

WHEREAS, The global financial community is moving toward consolidation of major banks with insurance companies, setting a commercial trend that could impact Washington State; and

WHEREAS, Some have expressed concern that the sale of insurance products by banks could mislead consumers into believing the full faith and credit of the bank stands behind the insurance products; and

WHEREAS, Concern has also been raised that banks exercising insurance power may utilize marketing techniques unavailable to other competitors to solicit insurance customers; and

WHEREAS, Regulation of insurance sales activities by banks involves federal and state laws, which may conflict; and

WHEREAS, There is ongoing public and industry debate as to the appropriate roles of the banking and insurance industries in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Financial Institutions and Insurance Committee study the current bank insurance operations during the 1991-92 interim, to report its findings to the President of the Senate by December 15, 1991, and to propose such legislation as the study suggests is necessary; and

BE IT FURTHER RESOLVED, That in undertaking the study on bank insurance activities, the Senate Financial Institutions and Insurance Committee shall consult with and may establish one or more technical advisory committees composed of representatives of the following:

1. The office of the Supervisor of Banking;
2. Consumer and community organizations;
3. The office of the State Insurance Commissioner
4. Insurance agent organizations; and
5. Banking industry organizations.

Senator von Reichbauer spoke to Senate Resolution 1991-8686.

#### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1991-8688

By Senators von Reichbauer, Talmadge and Johnson

WHEREAS, This year, the people of the Philippines will celebrate the ninety-third anniversary of their independence from Spain; and

WHEREAS, Americans, too, appreciate a freedom gained after breaking free from colonial rule, and understand the cultural significance of recognizing the day upon which the country became free to rule itself; and

WHEREAS, The United States has enjoyed a long-standing close and cooperative relationship with the Philippines; and

WHEREAS, Thousands of Filipino-Americans now reside in the United States, contributing significantly to the rich diversity of our own country and to the state of Washington; and

WHEREAS, In recognition of the entry of the Philippines into the coveted cadre of free nations, Filipino-Americans will, with well-deserved pride in their hearts, celebrate the Philippine Independence Day; and

WHEREAS, The people of the state of Washington desire to share in the celebration of our Filipino-Americans;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize the Independence Day of the Philippines and proclaim that the week of June 7th through 15th, 1991, be recognized as Philippine Independence Week in the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington send its heartfelt regards to Filipino-Americans and Filipino-American Associations in Washington State as they celebrate their independence.

Senator von Reichbauer spoke to Senate Resolution 1991-8688.

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

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4418 by Representatives Anderson, Jacobsen, McLean, Pruitt, Vance and Bowman.

Creating the joint select committee on open government.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4418 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4418.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4418 and the concurrent resolution passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Bluechel, Erwin, Matson, McCaslin, McDonald, Nelson, Oke, Patterson, Saling, Thorsness, West - 13.

Excused: Senators Rasmussen, Sellar - 2.

HOUSE CONCURRENT RESOLUTION NO. 4418, having received the constitutional majority, was declared passed.

### MOTION

At 8:50 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:27 p.m. by President Pritchard.

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

### MESSAGES FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1401,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938,

ENGROSSED HOUSE BILL NO. 2093, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,

SUBSTITUTE HOUSE BILL NO. 1194,

SUBSTITUTE HOUSE BILL NO. 1326,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,

SUBSTITUTE HOUSE BILL NO. 1452,

SUBSTITUTE HOUSE BILL NO. 1454,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,

SUBSTITUTE HOUSE BILL NO. 1704,

SUBSTITUTE HOUSE BILL NO. 1712,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,

HOUSE BILL NO. 2037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, and the same  
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5010,  
SENATE BILL NO. 5147,  
SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5756,  
ENGROSSED SENATE BILL NO. 5824, and the same are herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the  
Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2026 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The House concurred in the original Senate amendments to SUBSTITUTE  
HOUSE BILL NO. 1956 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills  
and passed the bills as amended by the Senate.

HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1301.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1201 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1401,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938,  
ENGROSSED HOUSE BILL NO. 2093.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,  
SUBSTITUTE HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1326,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,  
SUBSTITUTE HOUSE BILL NO. 1452,  
SUBSTITUTE HOUSE BILL NO. 1454,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,  
SUBSTITUTE HOUSE BILL NO. 1704,  
SUBSTITUTE HOUSE BILL NO. 1712,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,  
HOUSE BILL NO. 2037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151.

## MOTION

On motion of Senator Anderson, Senators Matson, McDonald, Patterson and Saling were excused.

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5555 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

ESSB 5555

April 28, 1991

Includes "NEW ITEM": YES

Providing assistance for timber harvesting areas.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, Providing assistance for timber harvesting areas, have had the same under consideration and we recommend:

That all previous amendments not be adopted; and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber impact areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) Timber impact areas are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(3) To address these concerns, it is the intent of the legislature to increase training and retraining services accessible to timber impact areas, and provide for

coordination of noneconomic development services in timber impact areas as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

**NEW SECTION. Sec. 2.** (1) Coordination of the programs in this act shall be through the economic recovery coordination board created in section 6, chapter \_\_\_\_, Laws of 1991 (Engrossed Substitute House Bill No. 1341), the timber recovery coordinator created in section 3, chapter \_\_\_\_, Laws of 1991 (Engrossed Substitute House Bill No. 1341), and the agency timber task force created in section 4, chapter \_\_\_\_, Laws of 1991 (Engrossed Substitute House Bill No. 1341).

(2) This section shall expire June 30, 1993.

**NEW SECTION. Sec. 3.** (1) Subject to the availability of state or federal funds, the employment security department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out a program of training and services, including training through the self-employment and enterprise development (SEED) program, for dislocated workers in timber impact areas.

(2) The department shall conduct a survey to determine the actual future employment needs and jobs skills in timber impact areas.

(3) The department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber impact areas.

(4) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

(5) For the purposes of this section, "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this section and for the forest products industry beginning with the third week after the first Sunday after the effective date of this section. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual

unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim, and shall be payable for up to five weeks following the completion of the training required by this section.

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

(d) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b) (i) Has received notice of termination or lay off; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after the effective date of this section, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:



(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 5.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the employment security department.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Program" means the employment and career orientation program for dislocated forest products workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the program.

(6) "Project" means the natural resource worker project.

(7) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 6.** It is the purpose of this chapter to establish programs that offer dislocated forest products workers, in timber impact areas, opportunities for

forest-related employment that utilizes their unique skills. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

**NEW SECTION. Sec. 7.** (1) Employment opportunities under the program shall consist of activities that improve the value of state lands and waters. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, and stream enhancement.

(2) Enrollees in the program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Each week, enrollees shall not work more than thirty-two hours in this program and must participate in eight hours of career orientation as established in section 8 of this act. Participation in the program is limited to six months.

**NEW SECTION. Sec. 8.** (1) The department shall recruit program applicants and provide employment opportunities by:

(a) Notifying dislocated forest products workers who are receiving unemployment benefits, or dislocated forest products workers who have exhausted unemployment benefits, of their eligibility for the program.

(b) Establishing procedures for dislocated forest products workers to apply to the program.

(c) Developing a pool of workers eligible to enroll in the program.

(d) Contracting with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees.

(2) The department shall provide career orientation services to enrollees in the program. The career orientation services shall include, but are not limited to, counseling on employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

(3) The department shall provide at least eight hours of career counseling each week for program enrollees.

**NEW SECTION. Sec. 9.** (1) The department of natural resources shall enroll candidates in the program from a pool of eligible workers developed by the department.

(2) The department of natural resources shall provide compensation for enrollees.

**NEW SECTION. Sec. 10.** The legislature finds that an increase in unemployment due to the declining timber economy in the state is imminent. The legislature further recognizes that employment opportunities in state and local government in other natural resource management professions exist and that dislocated forest products workers in the timber-related professions represent a potential work force in the areas of fisheries, wildlife, and recreation.

**NEW SECTION. Sec. 11.** The department, subject to the availability of funding, shall establish the natural resource worker project. The project shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated forest products workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

**NEW SECTION. Sec. 12.** The department shall use nonfederal funds that it receives for dislocated forest products workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation.

**NEW SECTION. Sec. 13.** The project shall include the following elements:

- (1) Recruitment of dislocated forest products workers;
- (2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;
- (3) On-the-job training in entry-level natural resource management skills;
- (4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

**NEW SECTION. Sec. 14.** The department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and
- (5) Placement in permanent positions.

**Sec. 15.** RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

- (1) "System" shall mean the state system of community colleges, which shall be a system of higher education;
- (2) "College board" shall mean the state board for community college education created by this chapter;
- (3) "Director" shall mean the administrative director for the state system of community colleges;
- (4) "District" shall mean any one of the community college districts created by this chapter;
- (5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;
- (6) "Council" shall mean the coordinating council for occupational education;
- (7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;
- (8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;
- (9) "Common school board" shall mean a public school district board of directors;
- (10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education;
- (11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute;

(12) "Dislocated forest product worker" shall mean a forest products worker who:  
(a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous

industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area;

(13) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c);

(14) "Timber impact area" shall mean a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 16.** A new section is added to chapter 28B.50 RCW to read as follows:

To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber impact areas as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training. Pilot projects may include, but are not limited to:

(a) Training for cranberry industry research, coordinated by the Washington State University coastal research unit, Long Beach;

(b) Training through Grays Harbor Community College for dislocated forest products workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(c) Training through Skagit Valley Community College for dislocated forest products workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(d) Training for agricultural development, diversification, marketing, and processing programs in timber impact areas.

Nothing in subsection (2) of this section shall be construed to provide priority for the projects listed in subsection (2) of this section.

For the purposes of this section, the number of full-time equivalent students to be served during any biennium shall be determined by the applicable omnibus appropriations act and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

(a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;

(b) Allocate funding to community and technical colleges attended by participants;

(c) Monitor the program and report on participants' progress and outcomes; and

(d) Report to the legislature by December 1, 1993, on the status of the program.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) The boards of trustees of the community and technical colleges shall waive tuition and fees for program participants, for a maximum of six quarters within a two-year period.

(4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

**NEW SECTION. Sec. 18.** A new section is added to chapter 28B.80 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 19 through 21 of this act.

(1) "Board" means the higher education coordinating board.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 19.** A new section is added to chapter 28B.80 RCW to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average;

(2) Appoint an advisory committee to assist the board in program design and future project selection;

(3) Monitor the program and report on student progress and outcome; and

(4) Report to the legislature by December 1, 1993, on the status of the program.

**NEW SECTION. Sec. 20.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall contract with institutions of higher education to provide upper division classes to serve additional placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and which are not served by an existing state-funded upper division degree program. The number of full-time equivalent students served in this manner shall be determined by the applicable omnibus appropriations act. The board may direct that all the full-time equivalent enrollments be served in one of the eligible timber impact areas if it should determine that this would be the most viable manner of establishing the program and using available resources. The institutions shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institutions providing the service shall waive the tuition, service, and activities fees for dislocated forest products workers or their unemployed spouses enrolled as one of the full-time equivalent students allocated to the college under this section.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) For any eligible participant, tuition shall be waived for a maximum of four semesters or six quarters within a two-year time period and the participant must be enrolled for a minimum of ten credits per semester or quarter.

**NEW SECTION. Sec. 21.** A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated forest products workers and their spouses shall receive priority for attendance in upper division courses allocated under section 20 of this act. Remaining allocations may be distributed to others in the timber impact area.

**NEW SECTION. Sec. 22.** A new section is added to chapter 70.47 RCW to read as follows:

(1) The administrator, when specific funding is provided and where feasible, shall make the basic health plan available to dislocated forest products workers and their families in timber impact areas. The administrator shall prioritize making the plan available under this section to the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct

lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average.

(2) Dislocated forest products workers assisted under this section shall meet the requirements of enrollee as defined in RCW 70.47.020(4).

(3) For purposes of this section, (a) "dislocated forest products worker" means a forest products worker who: (i)(A) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (B) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (ii) at the time of last separation from employment, resided in or was employed in a timber impact area; (b) "forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and (c) "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 23.** (1) The department of community development, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

**NEW SECTION. Sec. 24.** Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

**NEW SECTION. Sec. 25.** Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be granted on a first-come, first-served basis.

**NEW SECTION. Sec. 26.** To be eligible for assistance under the program, an applicant must:

(1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;

(2) Have his or her permanent residence located in an eligible community;

(3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) Submit an application for assistance to an organization eligible to receive funds under section 23 of this act by June 30, 1996.

**NEW SECTION. Sec. 27.** The department shall carry out the following duties:

(1) Administer the program;

(2) Identify organizations eligible to receive funds to implement the program;

(3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;

(4) Establish the interest rate for repayment of loans at two percent below the market rate;

(5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;

(6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992.

**NEW SECTION. Sec. 28.** (1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.



(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

**NEW SECTION. Sec. 29.** The Washington public policy institute at The Evergreen State College shall design an evaluation mechanism and shall undertake, by November 1, 1993, an evaluation of the effectiveness of the programs contained in this act. The agencies implementing the programs contained in this act shall assist the institute in the evaluation.

**NEW SECTION. Sec. 30.** To the extent that funds are specifically appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium, the department of community development shall enhance the two reemployment centers in timber impact areas in order to continue providing referral services, counseling, and support.

**NEW SECTION. Sec. 31.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 32.** If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 33.** 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, except for section 4 of this act, which shall take effect July 1, 1991.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 5 through 9 of this act, referencing sections 5 through 9 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 5 through 9 of this act shall be null and void.

NEW SECTION. Sec. 35. If specific funding for the purposes of sections 10 through 14 of this act, referencing sections 10 through 14 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 10 through 14 of this act shall be null and void.

NEW SECTION. Sec. 36. If specific funding for the purposes of sections 23 through 27 of this act, referencing sections 23 through 27 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 23 through 27 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 28, 29, or 30 of this act, referencing such section or sections by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, each section not referenced shall be null and void.

NEW SECTION. Sec. 38. (1) Sections 5 through 14 of this act shall constitute a new chapter in Title 50 RCW.

(2) Sections 23 through 27 of this act are each added to chapter 43.63A RCW.

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 70.47 RCW; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; and declaring an emergency." , and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Anderson, Owen, Matson; Representatives Belcher, Sheldon, Bowman.

### MOTION

Senator Anderson moved that the rules be suspended and that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5555 be adopted.

### POINT OF INQUIRY

Senator Owen: "Senator Anderson, this bill establishes a five-year natural resources worker project to assist dislocated forest products workers. A goal of the program is to enable these workers to become eligible for permanent state employment with agencies such as the Departments of Wildlife, Fisheries, Natural Resources and others. Does this bill provide that these workers will be guaranteed jobs with the state after they finish the program?"

Senator Anderson: "No, these workers will receive training to help them qualify for state employment, but they will not receive any preferences as a result of participating in the program, and they will be required to meet all of the standard eligibility requirements for state employment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5555, under suspension of the rules.

The motion by Senator Anderson carried and the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5555, under suspension of the rules, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5555, as recommended by the Conference Committee, under suspension of the rules.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555, as recommended by the Conference Committee, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Matson, McDonald, Patterson, Rasmussen, Saling, Sellar - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, as recommended by the Conference Committee, under suspension of the rules, having received the 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

April 28, 1991

MR. PRESIDENT:

The House refuses to adopt the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096 and passed the bill as originally amended by the House, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

On motion of Senator Barr, the Conference Committee was relieved of duties concerning Engrossed Second Substitute Senate Bill No. 5096.

### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Barr moved that the Senate reconsider the vote by which the Senate did not concur in the House

amendments to Engrossed Second Substitute Senate Bill No. 5096 on April 20, 1991.

The President declared the question before the Senate to be the motion by Senator Barr to reconsider the vote by which the Senate did not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5096.

The motion by Senator Barr carried and the Senate will reconsider the vote by which the Senate did not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5096.

#### MOTION

Senator Barr moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5096, on reconsideration.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Barr that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5096, on reconsideration.

The motion by Senator Barr carried and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5096, on reconsideration.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5096, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5096, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 8; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators Moore, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Williams, Wojahn - 8.

Absent: Senator Bauer - 1.

Excused: Senators Matson, Patterson, Rasmussen, Saling, Sellar - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096, 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.

#### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has returned ENGROSSED SUBSTITUTE SENATE BILL NO. 5411 to second reading and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Floods pose threats to public health and safety including loss or endangerment to human life; damage to homes; damage to public roads, highways, bridges, and utilities; interruption of travel, communication, and commerce; damage to private and public property; degradation of water quality; damage to fisheries, fish hatcheries, and fish habitat; harm to livestock; destruction or degradation of environmentally sensitive areas; erosion of soil, stream banks, and beds; and harmful accumulation of soil and debris in the beds of streams or other bodies of water and on public and private lands;

(b) Alleviation of flood damage to property and to public health and safety is a matter of public concern;

(c) Many land uses alter the pattern of runoff by decreasing the ability of upstream lands to store waters, thus increasing the rate of runoff and attendant downstream impacts; and

(d) Prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood damage protection planning.

(2) County legislative authorities are encouraged to use and coordinate all the regulatory, planning, and financing mechanisms available to those jurisdictions to address the problems of flooding in an equitable and comprehensive manner.

(3) It is the intent of the legislature to develop a coordinated and comprehensive state policy to address the problems of flooding and the minimization of flood damage.

NEW SECTION. Sec. 2. The purpose of sections 3 through 13 of this act is to permit counties in cooperation and consultation with cities and towns to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

NEW SECTION. Sec. 3. A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding,

including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and,

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**NEW SECTION. Sec. 4.** A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the full participation of officials from the city, town, or special district, including conservation districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river basin that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

Following adoption by the county, city, or town, a comprehensive flood control management plan shall be binding on each jurisdiction and special district that is located within an area included in the plan. If within 120 days of the county's adoption, a city or town does not adopt the comprehensive flood control management plan, the city or county shall request arbitration on the issue(s) in dispute. If parties cannot agree to the selection of an arbitrator, the arbitrator shall be selected according to the process described in RCW 7.04.050. The cost of the arbitrator shall be shared equally by the participating parties and the arbitrator's decision shall be binding. Any land use regulations and restrictions on construction activities contained in a comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed. A city or town undertaking flood or stormwater control activities consistent with the comprehensive flood control management plan shall retain authority over such activities.

**NEW SECTION. Sec. 5.** A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

**Sec. 6.** RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, projects pursuant to section 33 of this act, and

flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

Sec. 7. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 8. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows: State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent

of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

**NEW SECTION. Sec. 9.** A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

**Sec. 10.** RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 11.** RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

**NEW SECTION. Sec. 12.** The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

- (1) RCW 86.15.040 and 1961 c 153 s 4;
- (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;
- (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;



(9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;

(10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7;

and

(11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

**NEW SECTION. Sec. 14.** There is hereby created a joint select committee on state flood damage reduction composed of sixteen members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; and, (3) eight additional members who are not legislators selected by the president of the senate and the speaker of the house.

The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

The committee may seek assistance from appropriate state or federal agencies, including the United States army corp of engineers. The expenses of the legislative members shall be paid by the legislature. The expenses of any state agency officials, or their designees, shall be paid by their state agencies. Members not employed by the state shall be compensated in accordance with RCW 43.03.220 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 15.** The joint select committee on state flood damage reduction shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

(1) Structural and nonstructural flood damage reduction projects;

(2) Forest practice effects on watershed hydraulics as determined by applicable research projects conducted under the timber-fish-wildlife cooperative monitoring, evaluation, and research program, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;

(3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;

(4) Comprehensive watershed and flood damage management;

(5) Storm water runoff pattern alterations and accompanying liabilities, including an analysis of: (a) Increases in peak flood flows caused by inadequate storm water planning and controls; (b) the need for minimum standards for land use development activities employing natural watercourses for storm water conveyance; and (c) the need for a statutory cause of action to provide a remedy for downstream property owners who are damaged by accelerated storm water runoff caused by cumulative upstream activities, including a modification of the court-adopted "common enemy" doctrine;

(6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;

(7) Emergency work and coordination, and emergency preparedness planning;

(8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;

(9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;

(10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of funding for

construction and maintenance, and resultant upstream and downstream hydrologic effects;

(11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and

(12) Public acquisition of properties to reduce flood damage.

NEW SECTION. Sec. 16. The joint select committee on state flood damage reduction shall report its initial findings to the legislature on or before December 31, 1991. The committee shall make a final report to the legislature on or before December 1, 1992. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) recommended state agency regulation and policy changes; (3) proposed legislation and associated costs to implement the state flood damage reduction plan; and (4) recommended local flood reduction and mitigation measures.

NEW SECTION. Sec. 17. A new section is added to chapter 86.16 RCW to read as follows:

Local governments that have adopted flood plain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to flood plain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

NEW SECTION. Sec. 18. A new section is added to chapter 75.20 RCW to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department of fisheries and the department of wildlife, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

NEW SECTION. Sec. 19. The department of fisheries, the department of wildlife, and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 20. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The

comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the

state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

**NEW SECTION. Sec. 21.** A new section is added to chapter 75.20 RCW to read as follows:

The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

**NEW SECTION. Sec. 22.** (1) This section shall apply only to projects:

(a) Needed to repair streambank and other damage done by the November or December 1990, flood events, or remove accumulated debris and gravel that significantly contributed to flooding during the November and December 1990, flood events; and

(b) That require permits or other authorization for removal of valuable materials as defined in RCW 79.90.060 or permits or authorization under RCW 75.20.100 or 75.20.103.

(2) The department of fisheries, the department of wildlife, and the department of natural resources shall expedite and coordinate any required responses to the project application. A complete application for approval shall contain general plans for the overall project, and complete plans and specifications of the proposed construction or work. Upon receipt of a completed application, the agency that first receives that application shall, within fifteen days, schedule and hold a coordination meeting with all appropriate state, local, or county permitting or authorizing agencies. The project applicant shall be invited to this meeting. The appropriate city, county, or town may coordinate their permit approval processes with the state agencies. As soon as possible, but no later than thirty days after the receipt of a complete application, all appropriate state agencies will deny or approve the project. Any conditions placed upon project approvals shall be coordinated among the state agencies so that those conditions do not conflict.

(3) It is the intent of the legislature that the process described in this section remain in effect until the legislature has an opportunity to enact legislation creating a coordinated, timely permitting process based on the report required in section 16 of this act. This section shall expire on June 30, 1993.

**Sec. 23.** RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

**Sec. 24.** RCW 79.90.130 and 1982 1st ex.s. c 21 s 19 are each amended to read as follows:

~~((Valuable materials situated within or upon tidelands, shorelands, or the beds of navigable waters belonging to the state may be sold separately from the land, when in the judgment of the department of natural resources, it is in the best interests of the state to sell the same. When application is made for the purchase of any valuable material, situated within or upon aquatic lands, the department shall inspect and appraise the value of the material applied for: PROVIDED, That no valuable material shall be sold for less than the appraised value thereof: PROVIDED FURTHER, That))~~  
The department is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which in the judgment of the department will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other valuable materials taken from the bed of the Columbia river where said river forms the boundary line between said states.

**Sec. 25.** RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, or for preventing or minimizing flood damages as defined in RCW 86.16.120, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the federal government, state, or any municipality, county, city, town, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the federal agency, state agency, municipality, county, city, town, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law. For the purpose of this section, "public purpose" includes, but is not limited to, the construction, maintenance, improvement, or repair of any public street, road, highway, dike, levee, or project undertaken pursuant to chapter 86.26 RCW.

**Sec. 26.** RCW 79.90.300 and 1982 1st ex.s. c 21 s 36 are each amended to read as follows:

The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application.

NEW SECTION. Sec. 27. RCW 79.01.135 is recodified as a section in chapter 79.90 RCW.

NEW SECTION. Sec. 28. RCW 79.90.140 and 1982 1st ex.s. c 21 s 20 are each repealed.

Sec. 29. RCW 47.28.140 and 1984 c 7 s 174 are each amended to read as follows:

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from the construction of any public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

Sec. 30. RCW 75.20.100 and 1988 c 272 s 1 and 1988 c 36 s 33 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in section 12 and 22 of this act, ((F))the department of fisheries or the department of wildlife shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of

issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

**Sec. 31.** RCW 75.20.103 and 1988 c s 2 and 1988 c 36 s 34 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in sections 12 and 22 of this act, ((F))the department of fisheries or the department of wildlife shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of wildlife to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden



is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

**Sec. 32.** RCW 90.58.100 and 1971 ex.s c 286 s 10 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other

developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; ~~(and)~~

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

**NEW SECTION. Sec. 33.** (1) The purpose of this section is to develop, and test on a pilot basis, a cooperative, interjurisdictional approach to processing permit applications for projects related to flood control. The objectives of the pilot shall be to:

(a) (i) Identify opportunities and methods for expediting and coordinating permit decision making processes that involve multiple jurisdictions and state agencies; and (ii) assess the effects of acting in a coordinated and expedited manner; and

(b) (i) Identify opportunities during the permit decision making process for state agencies and local governments to consider potential flood control benefits consistent with the policies, mandates, and requirements of current law; (ii) Identify where in the permitting process, impediments to the consideration of potential flood control benefits exist; and, (iii) Assess how the consideration of any potential flood control benefits of an individual project during the permitting process for that project, may or may not be compatible with the objective of comprehensive and coordinated flood control.

(2) The pilot shall consist of up to one project in each of the counties declared a federal disaster area as a result of the November and December, 1990 floods.

(3) (a) The departments of ecology, wildlife, fisheries and natural resources shall participate in the pilot. The department of ecology shall act as the lead agency among the state agencies and shall coordinate among the state agencies as necessary.

(b) The department of ecology shall notify each of the eligible counties of the pilot, describe the nature of the pilot, and invite county participation. When a county, eligible to participate in the pilot, receives an application for a project that will require permits or authorizations from multiple jurisdictions, and in the county's judgment the proposed project offers an appropriate opportunity to test the permitting process under subsection (1) of this section, the county, with the approval of the project applicant, may request that the department of ecology include the project as part of the pilot. The department of ecology shall make a decision on the county's request and inform the county of its decision within seven working days.

In selecting projects for the pilot, the department of ecology shall provide an opportunity to test and evaluate a variety of applications of subsection (1) of this section, including, but not limited to: application to storm water management, dredging, streambank stabilization, and dike construction or repair. When the county receives notification that a project has been approved for inclusion in the pilot, the county shall schedule an initial coordination meeting and contact all appropriate agencies and the project applicant. Other local jurisdictions, including but not limited to cities, diking districts, and flood management districts, shall be invited to participate when a project is selected for inclusion in the pilot and those jurisdictions have a role in the permitting process.

The purpose of the coordination meeting shall be to:

- (i) Identify all necessary permit requirements;
- (ii) Determine the sequence of permitting decisions and opportunities where those decisions can be made concurrently;
- (iii) Determine a timeline for the decisions and how those decisions can be expedited; and
- (iv) Work with the applicant to make sure that he or she understands how the process will work, what the applicant is responsible for, and when those responsibilities must be met in order to adhere to the overall permitting timeline.

(4) The department of ecology shall determine the number of projects to be included in the pilot based on available funding in the flood control assistance account. The department shall authorize flood control assistance account funding for a minimum of three projects.

(5) The department of ecology, in cooperation with the participating counties, other participating local jurisdictions, and state agencies, shall submit a final report on the pilot to the appropriate committees of the legislature by December 1, 1992. The report shall include an assessment of the degree to which the pilot project achieved the objectives identified in subsection (1) of this section.

**NEW SECTION. Sec. 34.** Section 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "damage;" strike the remainder of the title and insert "amending RCW 86.26.050, 86.26.090, 86.26.100, 38.52.030, 36.70A.150, 79.90.130, 79.90.150, 79.90.300, 47.28.140, 75.20.100, 75.20.103, and 90.58.100; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; recodifying RCW 79.01.135; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding new sections to chapter 75.20 RCW; repealing RCW 79.90.140, 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, and

86.16.170; creating new sections; and declaring an emergency., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Barr moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5411.

Debate ensued.

### POINT OF INQUIRY

Senator Nelson: "Senator Bailey, could you explain, in the amendment before you, what Section 2 really means here in this particular amendment?"

Senator Bailey: "Section 2 explains--oh it didn't get printed? I'm sorry; I have it on my copy. Section 2 merely says Sections 3 through 13 will talk about the consultation between cities and towns on a comprehensive system of flood control management. It merely points out those sections that follow."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Barr that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5411:

The motion by Senator Barr carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5411.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5411, as amended by the House.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5411, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Anderson, Conner, McCaslin - 3.

Excused: Senators Matson, Patterson, Rasmussen, Saling, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, 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.

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5110 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.36.381 and 1987 c 301 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of (~~eighteen~~) twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of (~~fourteen~~) eighteen thousand dollars or less but greater than (~~twelve~~) fifteen thousand dollars shall be exempt from all regular property taxes on the greater of (~~twenty-four~~) thirty thousand dollars or thirty percent of the valuation

of his or her residence, but not to exceed (~~forty~~) fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of (~~twelve~~) fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of (~~twenty-eight~~) thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

**Sec. 2.** RCW 84.36.041 and 1989 c 379 s 2 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) In determining the true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(7) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in 1992, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(8) As used in this section:

(a) "Eligible resident" means a person who would be eligible for an exemption of regular property taxes under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a "cotenant" as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

NEW SECTION. Sec. 3. In calendar year 1992, the county assessor of each county shall compile data on the number of persons using the property tax exemption program, the number of persons using the property tax deferral program, the income of the claimants, and the value of the residence for which an exemption or deferral is claimed. The county assessor shall report the results to the department of revenue no later than March 1, 1993.

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.

NEW SECTION. Sec. 5. Section 1 of this act shall be effective for taxes levied for collection in 1992 and thereafter.

On page 1, line 2 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 84.36.381 and 84.36.041; creating new sections; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Bluechel, the Senate concurred in the House amendments to Substitute Senate Bill No. 5110.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5110, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Barr - 1.

Excused: Senators Matson, Patterson, Rasmussen, Saling, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5110, 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 President advanced the Senate to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1991-8689

By Senators Hayner, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, Since April 9, 1991, the Washington State Senate has missed the quick wit and ready smile of Senator George Sellar, one of the most senior members of the Senate; and

WHEREAS, Senator George Sellar is appreciated by Senators on both sides of the aisle for his wisdom, experience, and caring nature; and

WHEREAS, Senator Sellar has such a big heart that he had to have six bypasses; and

WHEREAS, Fellow Senators from across the state (and people from Scotland) turn to Senator Sellar for his counsel and guidance; and

WHEREAS, Senator Sellar has always been known as a pacemaker, and, on April 16, 1991, appropriately joined the esteemed "Zipper Club"; and

WHEREAS, Senator Sellar may unfortunately miss the upcoming special legislative session, though we know he would rather be here in drizzly Olympia than basking in Wenatchee sunshine;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby wish Senator George Sellar its best wishes and hopes for a speedy recovery and return to the ranks.

Senator Hayner spoke to Senate Resolution 1991-8689.

## SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025,  
SENATE BILL NO. 5049,

SECOND SUBSTITUTE SENATE BILL NO. 5167,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5184,

SUBSTITUTE SENATE BILL NO. 5418,  
SENATE BILL NO. 5474,

SENATE BILL NO. 5477,  
SUBSTITUTE SENATE BILL NO. 5612,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,  
SUBSTITUTE SENATE BILL NO. 5670.

At 11:13 p.m., there being no objection, the President declared the Senate to be at ease.



The Senate was called to order at 11:58 p.m., by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096,  
SUBSTITUTE SENATE BILL NO. 5110,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5411,  
SENATE BILL NO. 5475,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555.

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

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1268,  
ENGROSSED HOUSE BILL NO. 1352, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1400,  
SUBSTITUTE HOUSE BILL NO. 1885, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1201,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1301,  
SUBSTITUTE HOUSE BILL NO. 1956,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, and the same  
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096,  
SUBSTITUTE SENATE BILL NO. 5110,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5411,  
SENATE BILL NO. 5475,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, and the same  
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025,  
SENATE BILL NO. 5049,  
SECOND SUBSTITUTE SENATE BILL NO. 5167,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5184,  
SUBSTITUTE SENATE BILL NO. 5418,  
SENATE BILL NO. 5474,  
SENATE BILL NO. 5477,

SUBSTITUTE SENATE BILL NO. 5612,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,  
SUBSTITUTE SENATE BILL NO. 5670, and the same are herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1400,  
SUBSTITUTE HOUSE BILL NO. 1885.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1201,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1301,  
SUBSTITUTE HOUSE BILL NO. 1956,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1268,  
ENGROSSED HOUSE BILL NO. 1352.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 4418.

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO.  
4419, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4420, 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 BILLS

HCR 4419 by Representatives Ebersole and Ballard

Returning measures to their house of origin.

HOLD.

HCR 4420 by Representatives Ebersole and Ballard

Adjourning Sine Die.

HOLD.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

## MOTION

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

## SENATE RESOLUTION 1991-8682

By Senators Hayner, Johnson, Gaspard and Snyder

WHEREAS, The Regular Session of the Fifty-second Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Regular Session of the Fifty-second Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journals of the Regular Session of the Fifty-second Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, The Senate Majority and Minority Leadership, the Secretary of the Senate and the Deputy Secretary of the Senate are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and

appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senator Newhouse spoke to Senate Resolution 1991-8682.

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

### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Pursuant to HOUSE CONCURRENT RESOLUTION NO. 4419, the House hereby returns the following Senate Bills:

ENGROSSED SENATE BILL NO. 5009,  
 SENATE BILL NO. 5018,  
 SUBSTITUTE SENATE BILL NO. 5020,  
 SUBSTITUTE SENATE BILL NO. 5031,  
 SENATE BILL NO. 5037,  
 SENATE BILL NO. 5050,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5055,  
 SUBSTITUTE SENATE BILL NO. 5062,  
 ENGROSSED SENATE BILL NO. 5063,  
 SENATE BILL NO. 5067,  
 SENATE BILL NO. 5068,  
 SUBSTITUTE SENATE BILL NO. 5069,  
 SUBSTITUTE SENATE BILL NO. 5070,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5086,  
 SUBSTITUTE SENATE BILL NO. 5092,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5098,  
 SENATE BILL NO. 5109,  
 SUBSTITUTE SENATE BILL NO. 5116,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5126,  
 SUBSTITUTE SENATE BILL NO. 5130,  
 SENATE BILL NO. 5135,  
 SENATE BILL NO. 5139,  
 ENGROSSED SENATE BILL NO. 5140,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,  
 SENATE BILL NO. 5150,

SENATE BILL NO. 5151,  
SUBSTITUTE SENATE BILL NO. 5158,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5174,  
SUBSTITUTE SENATE BILL NO. 5180,  
SECOND SUBSTITUTE SENATE BILL NO. 5181,  
SUBSTITUTE SENATE BILL NO. 5185,  
SUBSTITUTE SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5193,  
SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5199,  
SUBSTITUTE SENATE BILL NO. 5202,  
SUBSTITUTE SENATE BILL NO. 5203,  
SENATE BILL NO. 5209,  
SENATE BILL NO. 5213,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,  
SUBSTITUTE SENATE BILL NO. 5237,  
SENATE BILL NO. 5241,  
SENATE BILL NO. 5243,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
SENATE BILL NO. 5275,  
SENATE BILL NO. 5277,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,  
SUBSTITUTE SENATE BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5300,  
SENATE BILL NO. 5302,  
SUBSTITUTE SENATE BILL NO. 5303,  
SUBSTITUTE SENATE BILL NO. 5305,  
SUBSTITUTE SENATE BILL NO. 5309,  
SENATE BILL NO. 5310,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,  
ENGROSSED SENATE BILL NO. 5320,  
SUBSTITUTE SENATE BILL NO. 5329,  
SUBSTITUTE SENATE BILL NO. 5342,  
SUBSTITUTE SENATE BILL NO. 5343,  
SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5346,  
SECOND SUBSTITUTE SENATE BILL NO. 5347,  
SUBSTITUTE SENATE BILL NO. 5350,  
SENATE BILL NO. 5351,  
ENGROSSED SENATE BILL NO. 5364,  
SENATE BILL NO. 5371,  
SENATE BILL NO. 5375,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5380,  
SENATE BILL NO. 5389,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,  
ENGROSSED SENATE BILL NO. 5424,  
ENGROSSED SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5435,

SUBSTITUTE SENATE BILL NO. 5438,  
SENATE BILL NO. 5444,  
SUBSTITUTE SENATE BILL NO. 5445,  
SUBSTITUTE SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5458,  
SUBSTITUTE SENATE BILL NO. 5465,  
SUBSTITUTE SENATE BILL NO. 5480,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5481,  
SENATE BILL NO. 5510,  
SENATE BILL NO. 5522,  
SENATE BILL NO. 5524,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5526,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5534,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5540,  
SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5548,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,  
SUBSTITUTE SENATE BILL NO. 5554,  
SUBSTITUTE SENATE BILL NO. 5559,  
SENATE BILL NO. 5560,  
ENGROSSED SENATE BILL NO. 5566,  
SENATE BILL NO. 5562,  
SENATE BILL NO. 5564,  
SUBSTITUTE SENATE BILL NO. 5576,  
SUBSTITUTE SENATE BILL NO. 5580,  
SUBSTITUTE SENATE BILL NO. 5581,  
SENATE BILL NO. 5584,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5590,  
SENATE BILL NO. 5619,  
SUBSTITUTE SENATE BILL NO. 5634,  
SUBSTITUTE SENATE BILL NO. 5635,  
SUBSTITUTE SENATE BILL NO. 5639,  
ENGROSSED SENATE BILL NO. 5640,  
SUBSTITUTE SENATE BILL NO. 5644,  
SUBSTITUTE SENATE BILL NO. 5650,  
SUBSTITUTE SENATE BILL NO. 5653,  
SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5665,  
SUBSTITUTE SENATE BILL NO. 5666,  
SENATE BILL NO. 5675,  
SUBSTITUTE SENATE BILL NO. 5702,  
ENGROSSED SENATE BILL NO. 5704,  
SUBSTITUTE SENATE BILL NO. 5716,  
SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5721,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5727,  
SENATE BILL NO. 5731,  
SENATE BILL NO. 5746,



SUBSTITUTE SENATE BILL NO. 5748,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753,  
SUBSTITUTE SENATE BILL NO. 5759,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5782,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5790,  
ENGROSSED SENATE BILL NO. 5797,  
SUBSTITUTE SENATE BILL NO. 5807,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,  
SENATE BILL NO. 5816,  
SUBSTITUTE SENATE BILL NO. 5818,  
SUBSTITUTE SENATE BILL NO. 5820,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5841,  
SENATE BILL NO. 5845,  
SENATE BILL NO. 5848,  
SUBSTITUTE SENATE BILL NO. 5858,  
SENATE BILL NO. 5860,  
SENATE BILL NO. 5863,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5864,  
SENATE BILL NO. 5875,  
SUBSTITUTE SENATE BILL NO. 5876,  
SENATE BILL NO. 5878,  
SUBSTITUTE SENATE BILL NO. 5891,  
SENATE BILL NO. 5904,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5919,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5925,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5929,  
ENGROSSED SENATE BILL NO. 5940,  
SENATE BILL NO. 5959,  
SENATE JOINT MEMORIAL NO. 8002,  
SENATE JOINT MEMORIAL NO. 8004,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208,  
SENATE JOINT RESOLUTION NO. 8217,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8400, and  
the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Pursuant to HOUSE CONCURRENT RESOLUTION NO. 4419, the House hereby returns the following Senate Bill:

SUBSTITUTE SENATE BILL NO. 5852, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

Pursuant to HOUSE CONCURRENT RESOLUTION NO. 4419, the House hereby returns the following Senate Bills:

SENATE JOINT MEMORIAL 8008,

SENATE JOINT MEMORIAL 8020, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE April 28, 1991

MR. PRESIDENT:

The House has failed to pass Senate Concurrent Resolution No. 8414.

ALAN THOMPSON, Chief Clerk

## RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4419, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1001,  
SUBSTITUTE HOUSE BILL NO. 1003,  
HOUSE BILL NO. 1009,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,  
SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
HOUSE BILL NO. 1017,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1022,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,  
HOUSE BILL NO. 1030,  
HOUSE BILL NO. 1038,  
ENGROSSED HOUSE BILL NO. 1033,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1036,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1039,  
ENGROSSED HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1049,  
HOUSE BILL NO. 1053,  
SUBSTITUTE HOUSE BILL NO. 1061,  
SUBSTITUTE HOUSE BILL NO. 1064,  
HOUSE BILL NO. 1073,

ENGROSSED HOUSE BILL NO. 1083,  
HOUSE BILL NO. 1084,  
HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1089,  
HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1102,  
SUBSTITUTE HOUSE BILL NO. 1109,  
SUBSTITUTE HOUSE BILL NO. 1111,  
HOUSE BILL NO. 1116,  
ENGROSSED HOUSE BILL NO. 1122,  
HOUSE BILL NO. 1126,  
ENGROSSED HOUSE BILL NO. 1128,  
ENGROSSED HOUSE BILL NO. 1131,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,  
ENGROSSED HOUSE BILL NO. 1144,  
SUBSTITUTE HOUSE BILL NO. 1145,  
ENGROSSED HOUSE BILL NO. 1147,  
ENGROSSED HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1153,  
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HOUSE JOINT RESOLUTION NO. 4201,  
HOUSE JOINT RESOLUTION NO. 4202,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,  
HOUSE JOINT RESOLUTION NO. 4208,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4216.

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4419.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4420.

MOTION

On motion of Senator Newhouse, the Senate Journal for the one hundred-fifth day of the 1991 Regular Session of the Fifty-second Legislature was approved.



MOTION

At 12:04 a.m., on motion of Senator Newhouse, the 1991 Regular Session of the Fifty-second Legislature adjourned Sine Die.

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



# SENATE JOURNAL

— 1991 —

FIRST SPECIAL SESSION

## FIFTY-SECOND LEGISLATURE STATE OF WASHINGTON

AT

### OLYMPIA, the State Capitol

Convened June 10, 1991  
Adjourned Sine Die June 30, 1991

Compiled, Edited and Indexed by  
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY  
*Minute and Journal Clerk*

---

JOEL PRITCHARD, *President of the Senate*  
ELLEN CRASWELL, *President Pro Tempore*  
ALAN BLUECHEL, *Vice President Pro Tempore*



## SENATE CAUCUS OFFICERS

### REPUBLICAN CAUCUS

*Majority Leader* ..... JEANNETTE HAYNER  
*Caucus Chair* ..... GEORGE L. SELLAR  
*Majority Floor Leader* ..... IRV NEWHOUSE  
*Majority Whip* ..... ANN ANDERSON  
*Deputy Majority Leader* ..... EMILIO CANTU  
*Caucus Vice Chair* ..... STANLEY C. JOHNSON  
*Majority Asst. Floor Leader* ..... NEIL AMONDSON  
*Majority Assistant Whip* ..... LINDA A. SMITH

### DEMOCRATIC CAUCUS

*Democratic Leader* ..... MARCUS S. GASPARD  
*Caucus Chair* ..... SID SNYDER  
*Democratic Floor Leader* ..... PATRICK R. MCMULLEN  
*Caucus Vice Chair* ..... R. LORRAINE WOJAHN  
*Democratic Deputy Leader* ..... ALBERT BAUER  
*Democratic Assistant Floor Leader* ..... MIKE KREIDLER  
*Democratic Whip* ..... PATTY MURRAY  
*Democratic Organization Chair* ..... PHIL TALMADGE  
*Democratic Assistant Whip* ..... ADAM SMITH



*Secretary of the Senate* ..... GORDON A. GOLOB  
*Deputy Secretary* ..... W. D. "NATE" NAISMITH  
*Sergeant at Arms* ..... JOHN E. COLWILL  
*Executive Assistant* ..... MYRNA BEEBE  
*Minute and Journal Clerk* ..... MARY WILEY  
*Docket Clerk* ..... PAT DURHAM  
*Reader* ..... VIC YELLE

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1991 FIRST SPECIAL SESSION  
FIFTY-SECOND LEGISLATURE**

**FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, June 10, 1991

The Senate was called to order at 10:00 a.m. by the President of the Senate, Joel Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore, Sellar, Sutherland and Thorsness. On motion of Senator Murray, Senators Moore and Sutherland were excused. On motion of Senator Anderson, Senators Sellar and Thorsness were excused.

President Pro Tempore Ellen Craswell assumed the Chair.

The Sergeant at Arms Color Guard, consisting of Pages Tiffany Peterson and Mark Meier, presented the Colors. Reverend William Klink, pastor of the Sequim Presbyterian Church, and a guest of Senator Paul Conner, offered the prayer.

**MESSAGE FROM THE SECRETARY OF STATE**

The Honorable  
President of the Senate  
The Legislature of the State of Washington  
Olympia Washington 98504  
Mr. President:

I have attached a full, true, and correct copy of Proclamation No. 91-01 of the Governor calling a special session of the Washington State Legislature to be convened at 10:00 a.m. on June 10, 1991.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June, 1991.

RALPH MUNRO, Secretary of State

PROCLAMATION  
BY THE GOVERNOR  
NO. 91-01

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the Legislature adjourned the 1991 Regular Session on April 28, 1991, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purpose of adequately addressing those essential tasks not completed;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Monday, the tenth day of June, 1991, at 10:00 a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 4th day of June, A.D., nineteen hundred and ninety-one.

(Seal)

BOOTH GARDNER,  
Governor of Washington

MOTION

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

SENATE RESOLUTION 1991-8691

By Senators Hayner, Sellar, Gaspard and Snyder

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

Under the provisions of Senate Resolution 1991-8691, the President Pro Tempore appointed Senators Roach, Adam Smith and Oke to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointments were confirmed. The committee retired to the House of Representatives.

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

## INTRODUCTION AND FIRST READING

SB 5985 by Senator West

AN ACT Relating to higher education health care training; adding a new section to chapter 28B.--- RCW; repealing RCW 18.150.080, 28B.104.010, 28B.104.020, 28B.104.030, 28B.104.040, 28B.104.050, 28B.104.060, 28B.104.070, 28B.104.900, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SCR 8415 by Senators Hayner and Gaspard

Reintroducing bills from the regular session.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

## MESSAGE FROM THE GOVERNOR

April 30, 1991

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

I have the honor to advise you that on April 29, 1991, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5042

Relating to the commission on efficiency and accountability.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

May 3, 1991

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



I have the honor to advise you that on May 3, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5004

Relating to public records as evidence.

Senate Bill No. 5015

Relating to volunteer cooperative projects.

Senate Bill No. 5023

Relating to the expense of defending against frivolous court actions.

Substitute Senate Bill No. 5027

Relating to jurisdiction of small claims departments.

Senate Bill No. 5047

Relating to a state tartan.

Senate Bill No. 5107

Relating to corporations.

Senate Bill No. 5190

Relating to the Washington state school directors' association.

Substitute Senate Bill No. 5288

Relating to renaming state route number 90 the American Veterans Memorial Highway.

Senate Bill No. 5290

Relating to a valid driver's license.

Substitute Senate Bill No. 5626

Relating to the hardwood commission.

Senate Bill No. 5678

Relating to a day of commemoration for the national guard.

Senate Bill No. 5767

Relating to public utility districts borrowing or establishing lines of credit with any financial institution.

Senate Bill No. 5779

Relating to the school for the deaf and the school for the blind.

Substitute Senate Bill No. 5835

Relating to conveyances for recreational purposes at ski areas.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

May 9, 1991

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

I have the honor to advise you that on May 9, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5041

Relating to the use of Washington state patrol approved audio headsets and earphones by motorcyclists.

Substitute Senate Bill No. 5204

Relating to practical nurses.

Substitute Senate Bill No. 5260

Relating to the regulatory authority of the utilities and transportation commission over certain nonmunicipal systems.

Engrossed Substitute Senate Bill No. 5363

Relating to legal financial obligations.

Senate Bill No. 5449

Relating to discharges of educational employees.

Senate Bill No. 5528

Relating to community support for education.

Substitute Senate Bill No. 5536

Relating to establishing the telecommunications devices for the deaf task force.

Engrossed Substitute Senate Bill No. 5672

Relating to antipsychotic medicine.

Senate Bill No. 5684

Relating to licensing nonresident pharmacies.

Substitute Senate Bill No. 5713

Relating to the administration of licenses by the department of agriculture.

Substitute Senate Bill No. 5720

Relating to motorist information signs.

Engrossed Substitute Senate Bill No. 5770

Relating to obtaining additional electricity supplies through conservation and generation.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

**MESSAGE FROM THE GOVERNOR**

May 10, 1991

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

I have the honor to advise you that on May 10, 1991, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5045

Relating to investigation of customer complaints regarding drinking water quality.

Senate Bill No. 5111

Relating to cost of corrections.

Second Substitute Senate Bill No. 5127

Relating to foster care citizen review boards.

Substitute Senate Bill No. 5128

Relating to notification of release of serious drug offenders.

Substitute Senate Bill No. 5322

Relating to emergency exemptions from building codes and construction standards for housing for indigent persons.

Senate Bill No. 5367

Relating to transporting recovered materials.

Substitute Senate Bill No. 5501

Relating to commercial salmon fishing licenses.

Substitute Senate Bill No. 5520

Relating to shipments of wine.

Substitute Senate Bill No. 5762

Relating to the financing of safety improvements by regulated water companies.

Senate Bill No. 5821

Relating to the creation of air pollution control authorities.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

May 15, 1991

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

I have the honor to advise you that on May 15, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5043

Relating to facsimile filing of election documents.

Senate Bill No. 5077

Relating to recording security interests.

Engrossed Substitute Senate Bill No. 5114

Relating to student transportation.

Engrossed Substitute Senate Bill No. 5156

Relating to candidate residency requirements.

Engrossed Substitute Senate Bill No. 5245

Relating to state energy policy.

Substitute Senate Bill No. 5261

Relating to school construction standards for fire prevention and safety.

Senate Bill No. 5264

Relating to community and urban forestry.

Substitute Senate Bill No. 5374

Relating to the industrial insurance labor-management cooperation program.

Substitute Senate Bill No. 5466

Relating to licensed pharmacists.

Senate Bill No. 5473

Relating to the tort claims revolving fund.

Engrossed Substitute Senate Bill No. 5494

Relating to collection of debts.

Senate Bill No. 5512

Relating to sewer and water districts.

Substitute Senate Bill No. 5518

Relating to telephone information delivery services.

Substitute Senate Bill No. 5776

Relating to alcoholic beverage control.

Senate Bill No. 5834

Relating to archives and records management.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

May 16, 1991

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

I have the honor to advise you that on May 16, 1991, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5010

Relating to occupational therapy.

Substitute Senate Bill No. 5108

Relating to the regulation of promotional advertising of prizes.

Substitute Senate Bill No. 5110

Relating to exemptions and deferrals for senior citizens and persons retired for reasons of physical disability.

Second Substitute Senate Bill No. 5167

Relating to juvenile justice.

Senate Bill No. 5231

Relating to real estate continuing education.

Substitute Senate Bill No. 5332

Relating to the use of real property inventories to provide residential care for disabled persons.

Senate Bill No. 5651

Relating to the scenic river system.

Engrossed Substitute Senate Bill No. 5825

Relating to restricting possession of firearms by offenders under the supervision of the department of corrections.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

May 17, 1991

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

I have the honor to advise you that on May 17, 1991, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5008

Relating to the establishment of The Pacific Northwest Economic Region.

Second Substitute Senate Bill No. 5022

Relating to the Washington award for excellence in education program.

Senate Bill No. 5053

Relating to juvenile driving privileges.

Engrossed Substitute Senate Bill No. 5184

Relating to work force training and education.

Substitute Senate Bill No. 5295

Relating to identification of trucks.

Senate Bill No. 5441

Relating to bookmaking.

Engrossed Senate Bill No. 5476

Relating to the marketing of milk.

Senate Bill No. 5477

Relating to veterans.

Substitute Senate Bill No. 5504

Relating to student teaching centers.

Substitute Senate Bill No. 5583

Relating to the child care facility fund.

Substitute Senate Bill No. 5611

Relating to a tax on the rental of fleet vehicles.

Second Substitute Senate Bill No. 5667

Relating to local evaluation and treatment services.

Senate Bill No. 5778

Relating to the filing of a report of damage due to the use or application of a pesticide.

Engrossed Substitute Senate Bill No. 5837

Relating to employment.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

May 20, 1991

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

I have the honor to advise you that on May 20, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5049

Relating to disposal of abandoned junk vehicles.

Engrossed Second Substitute Senate Bill No. 5096

Relating to the duties and responsibilities of the department of agriculture.

Second Substitute Senate Bill No. 5143

Relating to recycling.

Substitute Senate Bill No. 5266

Relating to motor vehicles.

Second Substitute Senate Bill No. 5341

Relating to insurance for foster parents.

Substitute Senate Bill No. 5359

Relating to the transfer of credits from out-of-state teacher retirement plans.

Substitute Senate Bill No. 5456

Relating to tenure modification.

Substitute Senate Bill No. 5478

Relating to curbside recycling.

Substitute Senate Bill No. 5497

Relating to construction liens.

Engrossed Substitute Senate Bill No. 5624

Relating to the protection of the food fish resource.

Substitute Senate Bill No. 5628

Relating to crop liens for handlers.

Substitute Senate Bill No. 5669

Relating to housing trust fund priorities for projects submitted by regional support networks.

Engrossed Senate Bill No. 5745

Relating to special amusement game licenses.

Engrossed Substitute Senate Bill No. 5756

Relating to low-level waste sites.

Second Substitute Senate Bill No. 5830

Relating to youth gang violence reduction.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

May 21, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 21, 1991, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5124

Relating to licensing private security guards.

Senate Bill No. 5141

Relating to the five-member boards of county commissioners.

Senate Bill No. 5147

Relating to mediator privilege, confidentiality, and admissibility of evidence arising from mediation.

Substitute Senate Bill No. 5301

Relating to public facilities.

Second Substitute Senate Bill No. 5358

Relating to public water system interties.

Substitute Senate Bill No. 5418

Relating to criminal justice.

Engrossed Substitute Senate Bill No. 5555

Relating to economic and employment impact of timber harvest variation in Washington State.

Substitute Senate Bill No. 5612

Relating to natural resources conservation areas.

Substitute Senate Bill No. 5613

Relating to pawnbrokers and second-hand dealers.

Engrossed Substitute Senate Bill No. 5629

Relating to acts committed against animal facilities.

Senate Bill No. 5766

Relating to a program for academic excellence for at-risk youth.

Engrossed Senate Bill No. 5801

Relating to state highway routes.

Engrossed Senate Bill No. 5824

Relating to community college enrollments.

Second Substitute Senate Bill No. 5882

Relating to drug assets property forfeiture by criminals.

Substitute Senate Bill No. 5916

Relating to the department of social and health services.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

### MOTION

At 10:14 a.m. the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 10:20 a.m. by President Pro Tempore Craswell.

### COMMITTEE FROM THE HOUSE OF REPRESENTATIVES

A committee from the House of Representatives composed of Representatives Basich, Vance, Wood and Roland 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 returned to the House of Representatives.

### REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Roach, Adam Smith and Oke appeared before the bar of the Senate. Under the provisions of Senate Resolution 1991-8691, the House of Representatives was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

### MESSAGE FROM THE HOUSE

June 10, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4421, 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 4421 by Representatives Ebersole and Ballard

Notifying the Governor that the Legislature is organized and ready to conduct business for the first special session of 1991.

### MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4421, the President Pro Tempore appointed Senators Erwin, Skratek and Barr 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 appointments were confirmed. The committee retired to the Office of the Governor.

At 10:34 a.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 10:41 a.m. by President Pro Tempore Craswell.

### REPORT OF SPECIAL COMMITTEE

The special committee composed of Senators Erwin, Skratek and Barr appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4421, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

### 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 12:00 noon by President Pro Tempore Craswell.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Tuesday, June 11, 1991.

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

## SECOND DAY

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## AFTERNOON SESSION

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Senate Chamber, Olympia, Tuesday, June 11, 1991

The Senate was called to order at 1:00 p.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Metcalf, Moore, Owen, Sellar, Linda Smith, Talmadge, Thorsness and Vognild. On motion of Senator Anderson, Senators Metcalf, Sellar, Linda Smith and Thorsness were excused. On motion of Senator Murray, Senators Moore, Owen, Talmadge and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Smith and Brian O'Brien, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Church 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.

## MESSAGE FROM THE HOUSE

June 10, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MESSAGE FROM THE HOUSE

June 10, 1991

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4421.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8415.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Nelson and Talmadge

Resolving to create the Washington Condominium Task Force.

Referred to Committee on Law and Justice.

MOTION

At 1:08 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:33 p.m. by President Pro Tempore Craswell.

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 26, 1991

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.

Brad Blanford, appointed April 26, 1991, for a term beginning May 28, 1991, and ending at the Governor's pleasure, as Director of the Department of Information Services.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

May 6, 1991

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 E. Trimble, reappointed May 6, 1991, for a term ending April 15, 1996, as a member of the Indeterminate Sentence Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

May 6, 1991

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.

Kathryn S. Bail, reappointed May 6, 1991, for a term ending April 15, 1996, as Chair of the Indeterminate Sentence Review Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

May 9, 1991

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.

Bruce W. Hilyer, appointed May 9, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

May 9, 1991

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 C. Petersen, appointed May 9, 1991, 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.

May 16, 1991

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.

Lucio Rodriguez, appointed May 16, 1991, for a term ending June 17, 1995, as a member of the Human Rights Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

May 22, 1991

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 J. Ochoa, appointed May 22, 1991, 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.

May 22, 1991

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.

Steven T. Seward, appointed May 22, 1991, for a term beginning July 1, 1991, and ending at the Governor's pleasure, as Chair of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable  
President of the Senate  
The Legislature of the State of Washington  
Olympia Washington 98504  
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 sections or items of each of the bills as required by Article III, Section 12, of the Washington State Constitution:

Sections 3 and 4, Senate Bill No. 5722, the remainder of which has been designated Chapter 64, Laws of 1991;

Sections 10 and 11, Substitute Senate Bill No. 5632, the remainder of which has been designated Chapter 180, Laws of 1991;

Section 15, Engrossed Substitute Senate Bill No. 5256, the remainder of which has been designated Chapter 226, Laws of 1991;

Sections 5 and 6, Senate Bill No. 5475, the remainder of which has been designated Chapter 228, Laws of 1991;

Section 5, Senate Bill No. 5474, the remainder of which has been designated Chapter 235, Laws of 1991;

Section 2, Substitute Senate Bill No. 5873, the remainder of which has been designated Chapter 254, Laws of 1991;

Sections 8 and 9, Senate Bill No. 5148, the remainder of which has been designated Chapter 269, Laws of 1991;

Section 1, Senate Bill No. 5558, the remainder of which has been designated Chapter 303, Laws of 1991;

Section 4, Substitute Senate Bill No. 5670, the remainder of which has been designated Chapter 306, Laws of 1991;

Section 208, Second Substitute Senate Bill No. 5591, the remainder of which has been designated Chapter 319, Laws of 1991;

Section 25, Engrossed Substitute Senate Bill No. 5411, the remainder of which has been designated Chapter 322, Laws of 1991;

Sections 1 and 4, Senate Bill No. 5170, the remainder of which has been designated chapter 338, Laws of 1991;

Section 4, Substitute Senate Bill No. 5082, the remainder of which has been designated Chapter 362, Laws of 1991;

Sections 2, 3, 17, 18 and 20, Engrossed Second Substitute Senate Bill No. 5025, the remainder of which has been designated Chapter 364, Laws of 1991;

Sections 301 and 508, Second Substitute Senate Bill No. 5568, the remainder of which has been designated Chapter 366, Laws of 1991;

Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120, the remainder of which has been designated Chapter 367, Laws of 1991.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June, 1991.

RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5722

May 3, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 4, Senate Bill No. 5722 entitled:

"AN ACT Relating to interest rates for the department of natural resources."

Developing a uniform interest rate policy for the Department of Natural Resources is an important goal which will improve agency administration and accounting. Sections 3 and 4 of this bill, however, amend existing law so that the Board of Natural Resources rather than the State Treasurer will determine the appropriate interest rate for loans between the landowner contingency forest fire suppression account and the general fund. While the Board of Natural Resources should have the ability to set interest rates for trustland management

funds, this power should not be extended to situations which affect the General Fund. For this reason, I have vetoed Sections 3 and 4 of the bill.

With the exception of Sections 3 and 4, Senate Bill No. 5722 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5632

May 15, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 10 and 11, Substitute Senate Bill No. 5632 entitled:

"AN ACT Relating to ocularists."

Section 10 of this bill establishes the state ocularist advisory committee in statute. This three member committee, appointed by the Secretary of the Department of Health, is comprised of a physician, an ocularist, and a state department of health employee. The purpose of this committee is to advise the Secretary of the Department of Health on the administration of the ocularist practice act. I see no reason for a state employee to be a member of this health profession advisory committee nor is it necessary to establish this advisory committee by statute. The Secretary of the Department of Health has authority under RCW 18.122.070 to appoint advisory committees to assist in the administration of health profession regulatory statutes. Therefore, I have vetoed Section 10 of this bill.

Section 11 of this bill restates substantially the immunity from liability extended by RCW 18.122.070(5) to the secretary, members of advisory committees or individuals acting on their behalf. RCW 18.122.070(5) provides immunity based on "official acts performed in the course of their duties" for members of health care advisory committees. Section 11 of this bill would extend immunity to the state ocularist advisory committee for "any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by Section 11, nor a justification for such change to members of a particular health care advisory committee. Therefore, I have vetoed Section 11 of this bill.

With the exception of Sections 10 and 11, Substitute Senate Bill No. 5632 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 15, Engrossed Substitute Senate Bill No. 5256 entitled:

"AN ACT Relating to franchise investment protection."

Washington State's Franchise Investment Protection Act is an important consumer protection statute that, through protection of franchisees, has fostered a healthy business environment for reputable franchisors. Section 15 of this act would reduce the statute of limitations to only one year for an action by a franchisee for rescision based on failure of a franchisor to register. Further, the statute of limitations would be reduced to three years for all other actions under RCW 19.100.190. Currently, the statute of limitations may vary between two and six years depending on judicial interpretation.

While I agree that providing greater certainty in the limitation of actions is desirable, the original Washington State Bar Association Franchise Act Revision Committee's recommendation provided for a more reasonable statute of limitations of two years for failure to register and four years for other actions. This initial recommendation was modified by the Legislature.

A veto of Section 15 is necessary to assure continued consumer protection. Some problems with franchise agreements may not arise during the first year. Experience has shown that franchisors who fail to register often have the weakest franchises to sell and do not provide the disclosures required by the Franchise Investment Protection Act, thus exposing the purchaser to unnecessary risk. Also, the one year statute of limitations could provide an incentive to unscrupulous franchisors to sell unregistered franchises hoping the year will pass before discovery of a problem and the franchisee's claim, however valid, will be barred from legal action.

With the exception of Section 15, Engrossed Substitute Senate Bill No. 5256 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5475

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:



I am returning herewith, without my approval as to Sections 5 and 6, Senate Bill No. 5475 entitled:

"AN ACT Relating to higher education."

Section 5 of Senate Bill No. 5475 states the intent of the Legislature that sick leave policies be uniform and consistent for all faculty and administrators hired after May 1, 1992 at the state's community colleges, regional universities, state colleges and research universities. Section 6 requires the Higher Education Coordinating Board, in consultation with the State Board for Community College Education, to study institutional sick leave policies and recommend mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992.

The rationale for passing this legislation is not clear. The Legislative Budget Committee reviewed higher education sick leave policies in 1989 and concluded that, prior to modifying the sick leave policies, better data should be collected to permit informed decision-making. In 1990, a law was passed requiring the institutions of higher education to maintain complete and accurate sick leave records. One year of data collection is insufficient to conclude that uniform and consistent sick leave policies are appropriate for the institutions of higher education. As the Legislative Budget Committee correctly observed in their report, sick leave benefits should be considered in the broader context of an overall compensation package, and compensation should be related to the complexity and amount of work assignments.

This legislation disregards the advice of the Legislative Budget Committee and inappropriately prescribes the outcome of the Higher Education Coordinating Board study required in Section 6.

For the reasons stated above, I have vetoed Sections 5 and 6 of Senate Bill No. 5475.

With the exception of Sections 5 and 6, Senate Bill No. 5475 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5474

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5474 entitled:

"AN ACT Relating to a data collection and reporting system on children's education and well-being."

This bill creates a task force with representation from a broad range of agencies to review available data sources related to children's programs and recommend methods to make such data more user-friendly to state and local policy makers. The bill also requires local school districts to report new information that will improve the accuracy of the state's annual report on drop out rates. Both objectives are to be commended and I am glad to add my support.

Section 5 of the bill, however, provides that the new reporting requirements will expire in 1994. The brief life of this reporting requirement makes it appear to be a pilot project and may cause some school districts to be hesitant about incorporating this data into their permanent data collection systems. If the state hopes to reduce its drop out rate, accurate data is essential. Eliminating Section 5 establishes these new reporting provisions as permanent requirements.

For the reasons stated above, I have vetoed Section 5 of Senate Bill No. 5474.

With the exception of Section 5, Senate Bill No. 5474 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

#### MESSAGE FROM THE GOVERNOR

#### PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5873

May 17, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Substitute Senate Bill No. 5873 entitled:

"AN ACT Relating to insurance coverage for retired and disabled school district employees."

Section 2 of this bill requires the Health Care Authority to conduct a study of considerable importance to retirees of the public school system and public policy makers. However, the bill does not provide that agency with either additional staff or adequate funds to support such an effort. The Fiscal Note reveals estimated costs of at least \$140,000.00 for the study. Funds for the agency to do the study do not appear in the operating budgets proposed by either the House or the Senate during the Regular Session and I cannot sign into law a requirement that would put the Health Care Authority at such risk.

I believe that a study of this nature should be undertaken, but not in the manner proposed. At the very least it should address the question of costs and access to health care benefits by the retirees of all public agencies, not just those in the public school system. The costs and needs of the respective public agencies must also be considered. It is unlikely that the comprehensive study that I believe to be necessary could be completed in only a four- to six-

month time frame. The public policy issues are too important and the welfare of far too many individuals is at risk for this task to be addressed too hurriedly or on a piecemeal basis.

For the reasons stated, I have vetoed Section 2 of Substitute Senate Bill No. 5873.

With the exception of Section 2, Substitute Senate Bill No. 5873 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5148

May 17, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 8 and 9, Senate Bill No. 5148 entitled:

"AN ACT Relating to Limited Partnerships."

This legislation provides beneficial flexibility to limited partnerships so they can merge with each other or with corporations. Additional statutory changes clarify and add certainty to filing requirements.

Sections 8 and 9, however, would significantly change business operations in this state against the public interest. Limited partnerships evolved so certain business partners could invest with limited personal liability. In return for the limited liability these partners have been proscribed from engaging in certain managerial activities. This concept protects creditors, other limited partners, clients and others who do business with partnerships. The amendments in this bill turn this concept on its face and extend the liability shield for limited partners, while removing the limits on their managerial control of the business.

For these reasons, I have vetoed Sections 8 and 9 of Senate Bill No. 5148.

With the exception of Sections 8 and 9, Senate Bill No. 5148 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5558

May 20, 1991

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Senate Bill No. 5558, entitled:

"AN ACT Relating to child labor regulation."

This bill would authorize the Department of Labor and Industries to issue civil penalties for violations of the state's child labor laws. I strongly support this authority.

Section 1 of this bill would require the Department of Labor and Industries to replace existing rules governing the employment of minors with rules which are consistent with federal law. Section 1 also requires the Department of Labor and Industries to revise child labor rules in the future as necessary to remain consistent with federal law. These requirements would be an unacceptable abdication of the State's responsibility and duty to its children.

Section 1 may be an unconstitutional delegation of legislative authority. Even if Section 1 were upheld, provisions of state child labor law which were inconsistent with federal law might be legally unenforceable, leaving the state with no law under which to enforce some areas of child labor.

Beyond the problems of authority and process, I also object to the policy implications of Section 1. Under current federal law, Section 1 might effectively repeal important state policies, such as regulation of the hours of employment for sixteen- and seventeen-year-old children. The state might also be required to repeal its regulation of meal and rest breaks for children. Further, Section 1 might place in jeopardy the state's newly enacted regulations of agricultural employment of children.

The remainder of the bill establishes new tools to protect our children from working conditions and hours of employment which are detrimental to their health, safety and education. It is crucial that the state be able to regulate hours of employment for children to ensure that education, not employment, is the first priority for Washington's children.

For the reasons stated, I have vetoed Section 1 of Senate Bill No. 5558.

With the exception of Section 1, Senate Bill No. 5558 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

#### MESSAGE FROM THE GOVERNOR

#### PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5670

May 20, 1991

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Substitute Senate Bill No. 5670, entitled:

"AN ACT Relating to screening and treatment of children for mental health services."

I am pleased with the efforts this year to organize an effective mental health system for children. The legislators involved have successfully passed thoughtful legislation which will improve the lives of children in our state.

Section 4 of this bill conflicts with Section 13 of Substitute House Bill No. 1608, in that it also requires a legislative report with plans for folding the Early Periodic Screening, Diagnosis and Treatment program into the children's mental health system. Substitute House Bill No. 1608 also contains language requiring an inventory of all children's mental health programs as well as proposals for reducing categorical barriers to serving children. These requirements will produce valuable products.

For that reason, I will sign that provision into law and have vetoed Section 4 of this bill. In doing so, I have directed the Office of Financial Management and the Department of Social and Health Services staff to develop a report that responds to the requirements in both bills.

With the exception of Section 4, Substitute Senate Bill No. 5670 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON SECOND SUBSTITUTE SENATE BILL NO. 5591

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 208, Second Substitute Senate Bill No. 5591 entitled:

"AN ACT Relating to the reduction of solid waste through recycling."

Sections 201-214 of Second Substitute Senate Bill No. 5591 relate to the creation of a new program within the Department of Trade and Economic Development called the Clean Washington Center, the activities of which will be conducted with the assistance of an advisory board set up by Section 204. Section 208 states that the Center may appoint advisory committees to assist in the development or implementation of the Center's work plan referenced in Section 205(9). Since the Center is a program within the Department of Trade and Economic Development, the director of the department has current statutory authorization to appoint advisory groups as appropriate and, therefore, Section 208 is not necessary. For this reason, I have vetoed Section 208.

With the exception of Section 208, Second Substitute Senate Bill No. 5591 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5411

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 25, Engrossed Substitute Senate Bill No. 5411 entitled:

"AN ACT Relating to the alleviation of flood damage."

Section 25 of Engrossed Substitute Senate Bill No. 5411 requires the Department of Natural Resources to not charge for removal of material from state-owned aquatic lands when such material is used for public purposes. Public purposes are defined by Section 25 to include construction, maintenance, improvement or repair of roads, dikes, and levees. Similar language is contained in Substitute House Bill No. 1864. For this reason I have vetoed Section 25 of this bill.

With the exception of Section 25, Engrossed Substitute Senate Bill No. 5411 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5170

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1 and 4, Senate Bill No. 5170 entitled:

"AN ACT Relating to district judges."

This bill reduces the number of district court judges in Pacific County from three to two and changes the salary setting authority for part-time district court judges' salaries from county commissions to the Citizens' Commission on Salaries.

Section 1 of the bill reduces the number of district court judges in Pacific County. Identical language is included in House Bill No. 1467 which I have signed.

Section 4 contains an emergency clause. If the emergency clause were to go into effect, the Citizens' Commission on Salaries would have only 13 days to analyze, determine a process, and set salaries for district court judges.

I do not consider that sufficient time to properly address a potentially complex issue. By deleting the emergency clause, the salary commission will have time to evaluate the salary needs of part-time judges, take public testimony, and make appropriate salary determinations.

For the reasons stated, I have vetoed Sections 1 and 4 of Senate Bill No. 5170.

With the exception of Sections 1 and 4, Senate Bill No. 5170 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5082  
May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Substitute Senate Bill No. 5082 entitled:

"AN ACT Relating to professional salmon fishing guides."

This bill contains a provision repealing reciprocity with Idaho for fishing in the concurrent waters of Washington and Idaho on the Snake River. This repealer was added during the session when it became apparent that Idaho was acting inconsistently with the reciprocity agreement with respect to fishing guide licenses. Recently, Washington and Idaho wildlife agencies, the Idaho Guides Association, and the respective Attorney General's Offices have agreed to meet and discuss future actions regarding reciprocity between the two states on the Snake River. Due to this renewed cooperative arrangement, it is unnecessary to repeal the section relating to the reciprocity agreement. I expect that the two states can continue to work together in the future. Without such a cooperative agreement, residents wishing to fish on the concurrent waters of the Snake River would have been required to purchase licenses from both states. This would only cause confusion and animosity.

For these reasons, I have vetoed Section 4 of Substitute Senate Bill No. 5082.

With the exception of Section 4, Substitute Senate Bill No. 5082 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025  
May 21, 1991

To the Honorable, the Senate

of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 entitled:

"AN ACT Relating to youth and family services."

This bill attempts to enhance early intervention services for at-risk youth and their families. Sections 2 and 3 specifically require expansion of family reconciliation services to an additional 1,000 families per year, and the homebuilders program to 126 additional youth and families per year. These sections are contingent upon funding in the budget.

Because negotiations are still underway regarding the budget, the level of funding for these programs is uncertain. There are no assurances that the legislature will provide funds adequate to meet the specific service level increases required by this bill. Further, service levels can be itemized in a budget proviso and should not be set out in statute. These reasons require that I veto Sections 2 and 3.

Sections 17, 18, and 20 make reference to the items specified above. To avoid confusion, I am also vetoing these sections.

With the exception of Sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON SECOND SUBSTITUTE SENATE BILL NO. 5568

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 301 and 508, Second Substitute Senate Bill No. 5568, entitled:

"AN ACT Relating to hunger and nutrition."

I commend the Legislature for its focus on nutritional needs of our families, and especially for its intent to improve the health and functioning of children so they can succeed in the classroom.

Sections 301 and 302 appropriately support issuing food stamps to eligible families as soon as possible after they apply. The Department of Social and Health Services is committed to that policy and will issue food stamps within 24 hours if sufficient staff is provided. Section 301, however, contains a legal conclusion about noncompliance that may make the state vulnerable to lawsuit. For this reason, I have vetoed Section 301.

Section 508 would void the Section 402 requirement that the Office of Superintendent of Public Instruction aggressively solicit schools and



organizations to participate in the nutrition programs. Even if reference and funds were not provided in the budget, aggressive solicitation should occur, especially since these programs are federally funded. This should be current policy, and I have therefore vetoed Section 508.

With the exception of Sections 301 and 508, Second Substitute Senate Bill No. 5568 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 entitled:

"AN ACT Relating to child support."

Any changes in the law affecting child support must focus on one issue - the well-being of the children. This was my overriding concern in the actions I have taken today; I used every means possible to maintain financial support for children.

Before 1988, our child support system was haphazard and many children received little or no financial support from the noncustodial parent. These families often ended up on public assistance, experiencing all of the pitfalls of poverty.

In 1988, we succeeded in enacting a new child support system. In 1989 Washington's noncustodial parents paid an average award of \$352 per month. That amount includes all payments ordered by the court for all children, including daycare, medical and education expenses. Noncustodial parents are paying an average of 26% of their incomes in child support. These are not unreasonable support awards.

I had these facts in mind when I reviewed this legislation, and I heard from numerous individuals and groups. I also had in mind the jeopardy our state faces with the potential loss of \$70 million in federal funds if we do not adopt a uniform economic table. These funds are essential to the well-being of children, since they fund our child support collection system.

I have said before that the child support system needed minor improvements and that it would be helpful if the legislature gave more clarity to the courts on how children in second families should be protected. Engrossed Second Substitute Senate Bill No. 5120 does not contain language on this issue. Some people have stated their belief that this legislation would

put to rest issues related to child support. This is not the case. The issue of second families remains to be resolved.

The portions of this bill that are signed into law will improve the system of family court services and clarify procedures for the Office of Support Enforcement. Minor modifications will be easier to obtain and protections are added for disabled veterans.

I have vetoed certain sections for three reasons. Either they lower support to children unjustifiably, they egregiously impact families with children or they violate federal law.

Section 25, the new economic table, is signed into law. This uniform schedule will rectify the legal problems we have with the federal government. While it is imperative that the state have a uniform schedule, I am pleased that in Section 26 the Legislature obligates itself to periodically review this economic table.

Section 23 is vetoed because it states an intent that children must suffer from dissolution. Although that is unfortunately true in some situations, it is poor public policy to intend that it happen.

Sections 24, 28, 29, 32 and 50 are vetoed because they unjustifiably lower support to children. The new definition of "income" eliminates consideration of all overtime, second job income, contract-related benefits, gifts, prizes and bonuses, unless the judge makes an exception. The majority of support awards in the state could be lowered because of this change. I see no reason to use a definition that arbitrarily excludes as a benefit for children these very real types of resources that are available to parents.

Section 3 is vetoed because it is likely to have a negative impact on families with children. This section requires all periodic modifications to conform to the child support statutes. It then provides that any part of an existing dissolution decree that conflicts with the statute is "void". Custodial parents will be ordered to pay back support they received under legal court orders. This is an illegal retroactive modification and it would cause hardship to children.

Section 8 is vetoed because it overrules a child's right to private medical treatment in some situations. Children over age fourteen may receive medical treatment for sexually transmitted diseases and they may also use family planning services - all without parental consent. This amendment gives parents a right to those private medical records. Furthermore, there is great concern that the language would jeopardize child abuse investigations and domestic violence protections. I strongly support the right of both parents to have full and equal access to the education and available medical records of their children, but current law already gives them that right.

Section 34 limits a court's ability to order support for postsecondary education. Current law gives the court discretion to order support and tuition payments after considering the circumstances. This amendment prohibits a court from ordering noncustodial parents to pay tuition above that charged by the Washington university system to resident students. A child could very well live in another state where tuition is higher than our state charges. This type of cap unnecessarily limits the court's discretion and arbitrarily limits the options for children.

Sections 35, 36 and 53 change the way parents pay for extraordinary expenses and day care. The custodial parent would be required to pay these costs and bill the noncustodial parent. A custodial parent who lives in Washington, for instance, could have to pay for a roundtrip airline ticket to the state where the noncustodial parent lives, so the child could have visitation. All extra health expenses would be paid up front by the custodial parent. If the bill isn't paid after 30 days, the custodial parent must use a time-consuming court process to collect. This is unreasonably harsh. Section 35 is the companion section that modifies the Office of Support Enforcement process regarding extraordinary expenses and section 53 is the accompanying null and void section.

Section 5 contains language to allow Desert Shield and Desert Storm participants a retroactive modification for the time they were on active duty. We all laud the efforts of these fine service persons, but retroactive modifications violate federal law and work an unreasonable hardship on custodial parents. Furthermore, the bill is written with timelines that preclude nearly two-thirds of these people from taking advantage of the adjustment.

Section 1 is vetoed because of the hardship this venue change would have on rural Washingtonians and on Lincoln County. Current law allows expedited dissolutions in situations where the parties agree. I see no reason to take away this convenience.

For the reasons stated above, I have vetoed Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Second Substitute Senate Bill No. 5120.

With the exception of Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable  
President of the Senate  
The Legislature of the State of Washington  
Olympia Washington 98504  
Mr. President:

We respectfully transmit for your consideration the following bills which have been vetoed by the Governor, together with the official veto messages of the Governor setting forth his objections to the bills as required by Article III, Section 12, of the Washington State Constitution:

Substitute Senate Bill No. 5052  
Senate Bill No. 5075  
Second Substitute Senate Bill No. 5083  
Senate Bill No. 5104  
Senate Bill No. 5442  
Senate Bill No. 5585

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June, 1991.

RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5052

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5052, entitled:

"AN ACT Relating to collection of public debts."

This bill amends the definition of "claim" in the law regulating debt collection practices by expanding that definition to include court-ordered or contractual restitution and any legal financial obligations imposed under the Sentencing Reform Act. It also stipulates that the state and its political subdivisions may "assign" public debts only to licensed collection agencies. In addition, it may limit the authority of public agencies to contract with debt collection agencies by eliminating their power to "retain" these agencies to collect public debts.

It is difficult to argue with the apparent purpose of this legislation -- to expand protection of the public against illegal debt collection practices and ensure that disreputable companies are not allowed to engage in collection activities, when such activities are associated with state and local government agencies. The bill attempts to achieve these goals by requiring public agencies to use licensed collection agencies to collect legal financial obligations.

While the purpose of the legislation is laudable, its application would have negative effects on two pre-trial diversion or deferred prosecution programs in Whatcom and Pierce Counties. Prosecutors in those counties have contracted with a private organization to act on their behalf to manage a program that requires training and payment of restitution, in lieu of prosecution, for people who write bad checks. An effort to require the offender to pay the victim for the amount lost on the bad check is an important part of the program. The counties contract for this program because they do not have the personnel and resources to run the program internally. It provides a valuable law enforcement service to businesses that are plagued by bad checks.

The bill would eliminate the authority of the two counties to contract for this kind of program with someone other than a licensed collection agency. That would make it difficult, if not impossible, to carry out the program in its current form. Licensed collection agencies are prohibited by statute from threatening prosecution and using any official connection with a public agency while engaged in collection agency business. The organization that manages the deferred prosecution program for the Pierce and Whatcom County Prosecutors uses both of these techniques as integral parts of the program.

In addition, I understand the issue of the bill's impact on these kinds of deferred prosecution programs was not considered by the Legislature. The Pierce and Whatcom County Prosecutors were not made aware of the bill. If there is a concern about public agencies contracting out for these services, that issue should have been part of the legislative debate on this bill.

Finally, this bill eliminates current discretionary authority of public agencies to retain licensed collection agencies to collect public debts. I question the wisdom of reducing the flexibility of state and local government to enforce public obligations in this manner.

For these reasons, I have vetoed Substitute Senate Bill No. 5052 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5075

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 5075 entitled:

"AN ACT Relating to review of the Washington condominium act."

The Washington Condominium Act became effective in 1990. The act was passed after three years of intensive discussion by a previous statutory committee and numerous public hearings during the 1988 and 1989 legislative sessions.

Although there may be a need to amend some portions of the act, there is no need to create a cumbersome review process after only one year. The legislature updates major statutes as a matter of course, and the Washington State Bar Association has a review process underway already.

Finally, the committee is assigned broad tasks, including a review of the entire statutory scheme, yet the membership provides very limited representation to condominium purchasers.

For the reasons stated above, I have vetoed Senate Bill No. 5075.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5083

May 16, 1991

To the Honorable, the Senate

of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Second Substitute Senate Bill No. 5083 entitled:

"AN ACT Relating to the reestablishment of salmon hatcheries." \*

Sections 1 and 2 of this legislation, although important, do not need to be set forth in state statute. The Department of Fisheries has pursued funding for the Toutle Hatchery from Congress in the past, and will continue to do so into the future.

The information requested in Section 3 to be submitted by the Department of Fisheries to the various legislative committees is already provided to the Legislature in preparing the biennial budget. It is unnecessary to codify a reporting function which is already standard procedure.

For these reasons, I have vetoed Second Substitute Senate Bill No. 5083 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5104

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5104 entitled:

"AN ACT Relating to pilot examinations."

This bill updates the Board of Pilotage Commissioners' pilot exam requirements to better reflect current needs. The same sections of law affected by this bill were also modified in a similar manner in Substitute House Bill No. 1027, which I have signed.

For this reason, I have vetoed Senate Bill No. 5104 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5442

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:

"AN ACT Relating to motorcycle permit restrictions."

This bill restricts issuance of a motorcycle instruction permit to individuals who have satisfactorily completed a motorcycle rider course or individuals who wish to change endorsement categories. Additionally, it removes the five-year experience standard on those who supervise a rider with an instruction permit.

Presently, the instruction permit is provided to a licensed driver as an opportunity to master his or her skills for riding a motorcycle under the supervision of a veteran motorcyclist prior to seeking the motorcycle license. Also, the department of licensing may require this person to pass the written portion of the motorcycle license examination prior to issuance of the instruction permit.

Enactment of this legislation amends the permitting process by requiring a motorcycle rider course prior to obtaining the motorcycle instruction permit. As such, a person would be required to locate a course, make an investment of time, and pay a \$30 fee. It is not clear that these courses are readily available in the various geographic locations of the state, as well as, conveniently accessible to the public. As a result, the proposed change may unintentionally lead to greater numbers of "un-permitted" or "unlicensed" riders on our roadways.

For these reasons, I have vetoed Senate Bill No. 5442, in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5585

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5585, entitled:

"AN ACT Relating to licenses to sell liquor in motels."

This bill creates a Class M liquor license that would permit small motels with three or more rooms to sell hard liquor, beer, and wine in locked honor bars located in the guest rooms. The purpose of this legislation is to provide clientele of small motels with the same in-room liquor sales amenities that large hotels provide their guests under a Class H license.

While the bill may provide convenience to some motel patrons, the potential problems it creates far outweigh its benefits. For example, the bill would expand opportunities for unsupervised access to alcohol by minors by

enabling up to 1,200 small motels to sell liquor, beer, and wine in their rooms. This is an outcome that we cannot afford, given the severe problems our young people are having with alcohol consumption.

The bill also violates a long-established legal precedent in this state regarding alcohol beverage control. It permits the sale of liquor in establishments without restaurant food sales. The snacks that would be provided in the honor bars are not a sufficient substitute for normal food sales.

And finally, if only one-half of the small motels become licensees, the Liquor Control Board would be faced with 600 new retail liquor outlets requiring regulation and enforcement. Without additional funding and personnel, which is very uncertain at the this stage in the budget process, this would be an unreasonable burden to place on an already over-burdened enforcement staff. Even if I agreed with the public policy of expanding liquor sales to small motels, it would be very risky for the state to assume this substantial regulatory responsibility without assurance of proper funding.

For these reasons, I have vetoed Senate Bill No. 5585 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

#### MOTION

At 2:35 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m., Wednesday, June 12, 1991.

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



**THIRD DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia, Wednesday, June 12, 1991

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Moore, Owen, Sellar, Thorsness and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Siems and Slade Van Tine, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Church 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.

**MESSAGE FROM THE HOUSE**

June 12, 1991

**MR. PRESIDENT:**

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

**INTRODUCTION AND FIRST READING**

SB 5986 by Senators Wojahn, Newhouse and Rasmussen

AN ACT Relating to tenant duties under the landlord-tenant act; and amending RCW 59.18.130.

Referred to Committee on Law and Justice.

SB 5987 by Senator Talmadge

AN ACT Relating to unemployment insurance; adding new sections to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5988 by Senators Vognild and McCaslin

AN ACT Relating to tax levies for library improvements; and creating a new section.

Referred to Committee on Rules.

### PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, a point of parliamentary inquiry, please. Earlier today, the House of Representatives passed the supplemental budget, House Bill No. 1331. It is my understanding that the Message from the House has been delivered to the Senate, and if that is the case, I would ask that we read in the message."

### REPLY BY THE PRESIDENT

President Pritchard: "We don't have it here at the desk, Senator. We'll check and see where it is. Senator Gaspard, they just got it back here. It will be a few minutes and we'll get it out here just as soon as we can. There is a little paper work that has to go on. It is an introduction sheet that has to be put on."

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

### MESSAGE FROM THE HOUSE

June 12, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1331,

HOUSE BILL NO. 2206, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Gaspard moved that the rules be suspended and Engrossed House Bill No. 1331 be advanced to second reading and placed on today's calendar.

### POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. We don't have an introduction sheet before us, and we are on the fourth order of business--read in from the House, I believe. Is the measure properly before us?"

## REPLY BY THE PRESIDENT

President Pritchard: "The introduction sheet is being prepared. We should be on the fifth order of business for an introduction. If we wait a minute, we will have it here."

## MOTION

At 1:42 p.m., Senator Newhouse moved that the Senate adjourn until 10:00 a.m., Friday, June 14, 1991.

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 motion by Senator Newhouse that the Senate adjourn until 10:00 a.m., Friday, June 14, 1991.

## ROLL CALL

The Secretary called the roll and the motion to adjourn carried by the following vote: Yeas - 22; Nays -21; Absent - 6; Excused - 0.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, von Reichbauer, West - 22.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Wojahn - 21.

Absent: Senators Amondson, Moore, Owen, Sellar, Thorsness, Williams - 6.

## STATEMENT FOR THE JOURNAL

I, Senator Brad Owen, representing the 35th Legislative District of Washington State, do hereby make this statement for inclusion into the Washington State Senate Journal dated June 12, 1991.

Having been appointed by the Governor to serve on his Council on Substance Abuse, on June 12, 1991 I attended a council meeting from 9:00 a.m. to 4:00 p.m. in the Sea-Tac area. Realizing I would not be present for the third day of the First Special Session of the 52nd Washington State Legislature, on June 11, 1991, I directed my Administrative Assistant to contact the Senate Democratic Whip, and advise of my unavailability to attend the said Special Session that day, which my Administrative Assistant did do. Now, I find I was not excused for that session, but was marked as being "Absent."

Further, had I been present in session June 12, 1991 when a floor vote, and thereafter a formal roll call vote, was taken on whether or not to recess the special session until Friday, June 14, 1991, at 10:00 a.m, I would have voted "nay."

SENATOR BRAD OWEN  
35th District

PERSONAL PRIVILEGE

Senator Gaspard: "A point of personal privilege, Mr. President. When the Governor called the Special Session, all of us have been here and made sacrifices from our work life and our family life to conduct the business of the Senate and the state. The House of Representatives has acted quickly on a supplemental budget--one that is desperately needed in a number of the human services programs, that we have responsibility between now and the end of this budget cycle, particularly in pre-natal care, and we have tried to bring that before us. This measure passed the House of Representatives with ninety-one votes and for some unknown reason, it has been stated in the paper by the Majority Leader of this Senate, Senator Hayner, that this bill should be kept hostage. There is no reason to keep hostage the human services that the state of Washington is obligated to provide for people who truly do need the care. I am seriously and deeply troubled by the tactic that is used to go ahead and adjourn this session and not pass the supplemental budget."

At 1:46 p.m., the Senate adjourned until 10:00 a.m., Friday, June 14, 1991.

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

**FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, June 14, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bluechel and Sellar. On motion of Senator Anderson, Senators Bluechel and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jenny Swecker and Patrick Rasmussen, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Church of Tumwater, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

June 11, 1991

**MR. PRESIDENT:**

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

**INTRODUCTION AND FIRST READING**

SB 5989 by Senators Newhouse, Niemi and McMullen (by request of Task Force on City/County Finances)

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.320; creating a new section; and declaring an emergency.

**HOLD.**

SB 5990 by Senators Murray, Rinehart, Pelz, Skratek and A. Smith.

AN ACT Relating to leave from employment for family responsibilities; amending RCW 49.78.010, 49.78.020, 49.78.030, 49.78.040, 49.78.050, 49.78.070, and

49.78.130; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.78 RCW; repealing RCW 49.78.060 and 49.78.210; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5991 by Senators Conner and McMullen

AN ACT Relating to veterans; and amending RCW 41.04.005 and 41.06.150.

Referred to Committee on Governmental Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1331 by Representatives Locke, Silver, Spanel, Inslee and Morton (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1991.

HOLD.

ESHB 1427 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers and Schmidt) (by request of Governor Gardner)

Adopting the capital budget.

HOLD.

HB 2206 by Representative H. Sommers

Adopting the supplemental capital budget.

HOLD.

#### MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 5989 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1427 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, Engrossed House Bill No. 1331 was referred to the Committee on Rules.

On motion of Senator Newhouse, House Bill No. 2206 was referred to the Committee on Rules.

## 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 Senate Bill No. 5149 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5150 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 5318 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 5395 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5444 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5644 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Senate Bill No. 5940 and the bill was placed on the third reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5988 and the bill was placed on the second reading calendar.

## MOTIONS

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5960.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5960 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Newhouse, the Senate reverted to the eighth order of business.

## MOTION

On motion of Senator Mike Kreidler, the following resolution was adopted:

## SENATE RESOLUTION 1991-8692

By Senators M. Kreidler, Amondson and Gaspard

WHEREAS, Dr. John W. Gott will soon complete a tenure of twenty years as Superintendent of Schools for the North Thurston School District in Lacey, Washington; and

WHEREAS, Dr. Gott has been recognized as an outstanding educational leader by his peers and others throughout the state and nation; and

WHEREAS, Dr. Gott's forty-five year career in education has been characterized by his commitment to success for all students; and

WHEREAS, As an alumnus of Washington State University, Dr. Gott has reflected credit upon one of this state's great universities; and

WHEREAS, Dr. Gott's high level of integrity (except when playing cards and golf), innovative thinking, and visionary leadership have contributed to the public school system of the state of Washington and the nation; and

WHEREAS, Dr. Gott has been honored in many deserving ways for his many contributions to education in Washington State; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pay respect and honor to Dr. John Gott upon his retirement as Superintendent of the North Thurston School District; and

BE IT FURTHER RESOLVED, That the Washington State Senate thank Dr. Gott for his years of service to the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Dr. John Gott.

Senators Mike Kreidler and Amondson spoke to Senate Resolution 1991-8692.

## MOTION

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

## SENATE RESOLUTION 1991-8693

by Senators Hayner, Gaspard, Roach, Metcalf, Oke, Rasmussen and Skratck

WHEREAS, Katherine Ann Pullen is to be awarded the President's Medal by University of Washington President William P. Gerberding at commencement on June 15, 1991; and

WHEREAS, The President's Medal is awarded annually to the one graduating senior at the University of Washington having the most distinguished academic record as measured by criteria that emphasize grade point average and difficulty of curriculum; and

WHEREAS, Kathy Pullen has achieved the number one ranking while engaging in a number of extracurricular activities and holding down a part-time job; and

WHEREAS, Kathy has met the highest standards of achievement expected of a valedictorian, but in addition she has demonstrated unusual breadth and



depth of accomplishment, ranging from technical excellence in sciences such as biochemistry to creative excellence in artistic endeavors such as dance; and

WHEREAS, Kathy has worked very hard in attaining this number one ranking without ever losing her many appealing human qualities, including humility, vitality, compassion, integrity, sensitivity, and love of life;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that Kathy is to be congratulated for her outstanding academic excellence and for being the 1991 University of Washington President's Medalist; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Kathy Pullen; to her parents, King County Councilman Kent Pullen and Dr. Fay E. Pullen; to her grandparents, Carl and Marjorie E. Endres and Maris M. Pullen; and to the Superintendent of the Kent School District, Dr. George Daniel.

Senators Hayner and Talmadge spoke to Senate Resolution 1991-8693.

#### 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 11:19 a.m. by President Pritchard.

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

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, by Committee on Ways and Means (originally sponsored by Senators McDonald, Niemi, Conner, Rasmussen, Bauer, and Erwin) (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1991.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5395 was returned to second reading and read the second time.

#### MOTION

On motion of Senator McDonald, the following amendment was adopted: Strike everything after the enacting clause and insert the following:

#### "PART I

GENERAL GOVERNMENT"

Sec. 101. 1990 1st ex.s. c 16 s 105 (uncodified) is amended to read as follows:  
FOR THE REDISTRICTING COMMISSION

General Fund Appropriation ..... \$ (221,000)  
246,000

Sec. 102. 1990 1st ex.s. c 16 s 106 (uncodified) is amended to read as follows:  
FOR THE SUPREME COURT

General Fund Appropriation ..... \$ (13,497,000)  
14,097,000

The appropriation in this section is subject to the following conditions and limitations: ~~\$(5,013,000)~~ 5,613,000 is provided solely for the indigent appeals program.

Sec. 103. 1990 1st ex.s. c 16 s 108 (uncodified) is amended to read as follows:  
FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation ..... \$ (684,000)  
754,000

Sec. 104. 1990 1st ex.s. c 16 s 109 (uncodified) is amended to read as follows:  
FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation ..... \$ (27,607,000)  
28,298,000

Public Safety and Education Account Appropriation \$ 23,200,000

TOTAL APPROPRIATION ..... \$ (50,807,000)  
51,498,000

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) \$16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

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

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

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall:

(a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

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

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

**Sec. 105.** 1989 1st ex.s. c 19 s 113 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation--State . . . . .	\$	((11,894,000))
		<u>11,959,000</u>
General Fund Appropriation--Federal . . . . .	\$	27,779,000
TOTAL APPROPRIATION . . . . .	\$	((39,673,000))
		<u>39,738,000</u>

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

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

(2) \$((421,000)) 486,000 of the general fund--state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

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

Sec. 106. 1990 1st ex.s. c 16 s 111 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation . . . . .	\$	((1,296,000))
		<u>1,326,000</u>

Sec. 107. 1990 1st ex.s. c 16 s 112 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation . . . . .	\$	((8,242,000))
		<u>8,364,000</u>

Archives and Records Management Account		
Appropriation . . . . .	\$	2,659,000
Department of Personnel Service Fund Appropriation \$		447,000
TOTAL APPROPRIATION . . . . .	\$	((11,348,000))
		<u>11,470,000</u>

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

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

(2) \$((1,074,000)) 839,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$((2,542,000)) 2,939,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$((200,000)) 68,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 108. 1990 1st ex.s. c 16 s 114 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation . . . . .	\$	((902,000))
		<u>937,000</u>
Motor Vehicle Fund Appropriation . . . . .	\$	225,000
Municipal Revolving Fund Appropriation . . . . .	\$	16,567,000
Auditing Services Revolving Fund Appropriation . . \$		((10,409,000))
		<u>10,249,000</u>
TOTAL APPROPRIATION . . . . .	\$	((28,103,000))
		<u>27,978,000</u>

Sec. 109. 1990 1st ex.s. c 16 s 118 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Fund

Appropriation . . . . . \$ 23,209,000

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

(1) \$((908,000)) 858,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

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

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

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

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 110. 1990 1st ex.s. c 16 s 119 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account

Appropriation . . . . . \$ ~~((2,111,000))~~  
2,236,000

The appropriation in this section is subject to the following conditions and limitations: \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

Sec. 111. 1989 1st ex.s. c 19 s 133 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation . . . . . \$ ~~((1,329,000))~~  
1,336,000

Sec. 112. 1990 1st ex.s. c 16 s 121 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation--State . . . . .	\$	9,296,000
General Fund Appropriation--Federal . . . . .	\$	1,715,000
General Fund Appropriation--Private/Local . . . . .	\$	99,000
Motor Vehicle Fund Appropriation . . . . .	\$	368,000
Resource Management Cost Account Appropriation	\$	2,000
State Wildlife Account Appropriation . . . . .	\$	4,000
Accident Fund Appropriation . . . . .	\$	1,000
State Patrol Highway Account Appropriation . . . . .	\$	228,000
Motor Transport Account Appropriation . . . . .	\$	10,712,000
General Administration Facilities and Services		
Revolving Fund Appropriation . . . . .	\$	<del>((22,901,000))</del> <u>23,455,000</u>

TOTAL APPROPRIATION . . . . . \$ (45,326,000)  
45,880,000

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

(1) The motor vehicle fund appropriation, state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund--state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

Sec. 113. 1990 1st ex.s. c 16 s 122 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF INFORMATION SERVICES--VIDEO TELECOMMUNICATIONS SYSTEM(,)**

~~\$(1,209,000)~~ 781,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) ~~\$(1,000,000)~~ 572,000 is provided solely for the ~~((purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state wide video telecommunications system))~~ cooperative video telecommunication demonstration project sponsored jointly by the superintendent of public instruction, the state board for community college education, the higher education coordinating board, and the department of information services; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 114. 1990 1st ex.s. c 16 s 124 (uncodified) is amended to read as follows:  
**FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation . . . . . \$	<u>(461,000)</u>
	488,000
Certified Public Accountant Examination Account	
Appropriation . . . . . \$	655,000
TOTAL APPROPRIATION . . . . . \$	<u>((1,116,000))</u>
	1,143,000

Sec. 115. 1990 1st ex.s. c 16 s 128 (uncodified) is amended to read as follows:  
**FOR THE MILITARY DEPARTMENT**

General Fund Appropriation--	
State . . . . . \$	<u>((8,097,000))</u>
	8,464,000
General Fund Appropriation--Federal . . . . . \$	6,425,000
TOTAL APPROPRIATION . . . . . \$	<u>((14,522,000))</u>
	14,889,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

**"PART II  
HUMAN SERVICES"**

**Sec. 201.** 1989 1st ex.s. c 19 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations in sections 203 through 219 of chapter 19, Laws of 1989 1st ex. sess., as amended, sections 10 through 16 of chapter 10, Laws of 1989 1st ex. sess., and sections 401 through 423 of chapter 271, Laws of 1989 shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1991, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

~~(2) ((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.~~

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

~~((3))~~ (4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

**Sec. 202.** 1990 1st ex.s. c 16 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((276,824,000))
		282,660,000
General Fund Appropriation--Federal . . . . .	\$	((171,515,000))
		169,598,000
Drug Enforcement and Education Account		
Appropriation . . . . .	\$	2,000,000
Public Safety and Education Account Appropriation .	\$	400,000
TOTAL APPROPRIATION . . . . .	\$	((450,739,000))
		454,658,000

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

(1) \$4,152,000 of the general fund--state appropriation and \$293,000 of the general fund--federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund--state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

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

(4) \$5,090,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund--state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund--state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund--state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$4,926,000 of the general fund--state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$929,000 of the general fund--state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

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

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

(9) \$5,133,000 of the general fund--state appropriation and \$2,559,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund--state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund--state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No.



1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$2,150,000 of the general fund--state appropriation is provided solely for continuation of the "continuum of care" projects through June 30, 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund--state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund--state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund--state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund--state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund--state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund--state appropriation and \$312,000 of the general fund--federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund--state appropriation and \$135,000 of the general fund--federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund--state appropriation and \$28,000 of the general fund--federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund--state appropriation and \$13,000 of the general fund--federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund--state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund--state appropriation and \$5,000 of the general fund--federal appropriation are provided solely for additional training to foster parents pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund--state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund--state appropriation and \$49,000 of the general fund--federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund--state appropriation and \$17,000 of the general fund--federal appropriation are provided solely to develop and implement a foster parent

survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund--state appropriation and \$1,292,000 of the general fund--federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund--state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund--state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund--state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund--state appropriation is provided solely for the expansion of women((s)), infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund--state appropriation and \$91,000 of the general fund--federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the women((s)), infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund--state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

**Sec. 203.** 1990 1st ex.s. c 16 s 205 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund Appropriation--State . . . . .	\$	((35,439,000))
		<u>34,411,000</u>
General Fund Appropriation--Federal . . . . .	\$	134,000
TOTAL APPROPRIATION . . . . .	\$	((35,573,000))
		<u>34,545,000</u>

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

(a) \$418,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

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

(c) \$1,046,000 of the general fund--state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund--state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund--state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation--State . . . . .	\$	((47,729,000))
		<u>49,529,000</u>
General Fund Appropriation--Federal . . . . .	\$	871,000
TOTAL APPROPRIATION . . . . .	\$	((48,600,000))
		<u>50,400,000</u>

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

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

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

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

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

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

(v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund--state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation . . . . . \$ 2,905,000

Sec. 204. 1990 1st ex.s. c 16 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation--State . . . . . \$ ((177,613,000))

176,113,000

General Fund Appropriation--Federal . . . . . \$ ((94,432,000))

94,342,000

General Fund Appropriation--Local . . . . . \$ 3,753,000

TOTAL APPROPRIATION . . . . . \$ ((275,708,000))

274,208,000

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

(a) A maximum of \$35,212,000 of the general fund--state appropriation and \$17,127,000 of the general fund--federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund--state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than

January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

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

(c) \$5,500,000 of the general fund--state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund--state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

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

(f) \$1,400,000 of the general fund--state appropriation and \$500,000 of the general fund--federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund--state appropriation and \$1,322,000 of the general fund--federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund--state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund--state appropriation and \$720,000 of the general fund--federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case

management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund--state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

## (2) INSTITUTIONAL SERVICES

General Fund Appropriation--State . . . . .	\$	((208,720,000))
		<u>208,320,000</u>
General Fund Appropriation--Federal . . . . .	\$	10,877,000
TOTAL APPROPRIATION . . . . .	\$	((219,597,000))
		<u>219,197,000</u>

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

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

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

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher

education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund--state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation--State . . . . .	\$	3,347,000
General Fund Appropriation--Federal . . . . .	\$	1,379,000
TOTAL APPROPRIATION . . . . .	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation--State . . . . .	\$	1,558,000
General Fund Appropriation--Federal . . . . .	\$	2,966,000
TOTAL APPROPRIATION . . . . .	\$	4,524,000

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of the general fund--state appropriation is provided solely to expand the primary intervention program to fifteen additional school districts beginning in 1989-90.

**Sec. 205.** 1990 1st ex.s. c 16 s 207 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
 DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation--State . . . . .	\$	117,868,000
General Fund Appropriation--Federal . . . . .	\$	99,210,000
TOTAL APPROPRIATION . . . . .	\$	217,078,000

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

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

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

(c) \$2,785,000 of the general fund--state appropriation and \$1,413,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund--state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund--state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

((h)) (g) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund--state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State . . . . .	\$	((105,025,000))
		<u>108,225,000</u>
General Fund Appropriation--Federal . . . . .	\$	((127,731,000))
		<u>150,527,000</u>
TOTAL APPROPRIATION . . . . .	\$	((232,756,000))
		<u>258,752,000</u>

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

(a) \$1,000,000 of the general fund--state appropriation and \$675,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

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

(3) PROGRAM SUPPORT

General Fund Appropriation--State . . . . .	\$	3,879,000
General Fund Appropriation--Federal . . . . .	\$	626,000



TOTAL APPROPRIATION . . . . .	\$	4,505,000
Sec. 206. 1990 1st ex.s. c 16 s 208 (uncodified) is amended to read as follows:		
<b>FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES</b>		
General Fund Appropriation--State . . . . .	\$	((460,847,000))
		<u>447,369,000</u>
General Fund Appropriation--Federal . . . . .	\$	((519,795,000))
		<u>502,950,000</u>
General Fund Appropriation--Local . . . . .	\$	296,000
TOTAL APPROPRIATION . . . . .	\$	((980,938,000))
		<u>950,615,000</u>

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

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

(2) \$3,200,000 of the general fund--state appropriation is provided solely to enhance respite care services.

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

(4) \$2,100,000 of the general fund--state appropriation and \$700,000 of the general fund--federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

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

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

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

(8) \$700,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund--state appropriation and \$813,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund--state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund--state appropriation and \$1,590,000 of the general fund--federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used

to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$5,957,000, of which \$2,638,000 is from the general fund--state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,258 per month per at-home spouse.

(13) \$50,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

**Sec. 207.** 1990 1st ex.s. c 16 s 209 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM**

General Fund Appropriation--State . . . . .	\$	((422,021,000))
		<u>492,380,000</u>
General Fund Appropriation--Federal . . . . .	\$	((561,882,000))
		<u>548,711,000</u>
TOTAL APPROPRIATION . . . . .	\$	((983,903,000))
		<u>1,041,091,000</u>

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

(1) \$8,661,000 of the general fund--state appropriation and \$10,026,000 of the general fund--federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund--state appropriation and \$9,210,000 of the general fund--federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund--state appropriation and \$241,000 of the general fund--federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging

through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund--state appropriation and \$117,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(6) The department shall expand the family independence program by four sites to a total of fifteen sites.

(7) ~~((Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.))~~ For accounting purposes, general fund--state expenditures during the 1989-91 biennium for the general assistance program shall not be offset by general assistance payments recovered as a result of the federal supplemental security income program unless the recovery is actually received by June 30, 1991.

**Sec. 208.** 1990 1st ex.s. c 16 s 211 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
 COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((28,872,000))
		<u>27,672,000</u>
General Fund Appropriation--Federal . . . . .	\$	38,941,000
Drug Enforcement and Education Account Appropriation--State . . . . .	\$	((800,000))
		<u>600,000</u>
TOTAL APPROPRIATION . . . . .	\$	((68,613,000))
		<u>67,213,000</u>

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

(1) \$1,204,000 of the general fund--state appropriation and \$32,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund--state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account--state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) ~~(((\$500,000))~~ \$300,000 of the drug enforcement and education account--state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

**Sec. 209.** 1990 1st ex.s. c 16 s 212 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL  
 AND DRUG TREATMENT AND SUPPORT PROGRAM--ASSESSMENT  
 AND TREATMENT**

General Fund Appropriation--State . . . . .	\$	((16,199,000))
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	<u>13,899,000</u>
General Fund Appropriation--Federal . . . . . \$	9,948,000
Drug Enforcement and Education Account Appropriation--State . . . . . \$	((1,500,000))
	<u>750,000</u>
TOTAL APPROPRIATION . . . . . \$	((27,647,000))
	<u>24,597,000</u>

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

(1) The general fund appropriations are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account--state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

**Sec. 210.** 1990 1st ex.s. c 16 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM--SHELTER**

General Fund Appropriation . . . . . \$	((3,423,000))
	<u>1,923,000</u>

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

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

- (a) Meets the financial eligibility requirements contained in RCW 74.04.005;
- (b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c)(i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

**Sec. 211.** 1990 1st ex.s. c 16 s 216 (uncodified) is amended to read as follows:

The sums of ((eleven)) ten million two hundred thousand dollars from the drug enforcement and education account--state and one million dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their

families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

**Sec. 212.** 1990 1st ex.s. c 16 s 217 (uncodified) is amended to read as follows: The sum((s)) of ~~((one hundred eighty three thousand dollars from the drug enforcement and education account--state and))~~ two hundred seventeen thousand dollars from the general fund--federal, or as much thereof as may be necessary, ~~((are))~~ is appropriated for the biennium ending June 30, 1991, to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

**Sec. 213.** 1990 1st ex.s. c 16 s 218 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation--State . . . . .	\$	<del>((697,558,000))</del>
		<u>723,447,000</u>
General Fund Appropriation--Federal . . . . .	\$	<del>((689,430,000))</del>
		<u>700,993,000</u>
TOTAL APPROPRIATION . . . . .	\$	<del>((1,386,988,000))</del>
		<u>1,424,440,000</u>

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

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

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

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

(4) \$7,014,000 of the general fund--state appropriation and \$6,928,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

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

(6) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

((8)) (7) \$1,620,000 of the general fund--state appropriation and \$1,914,000 of the general fund--federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

((9)) (8) \$4,470,000 of the general fund--state appropriation and \$2,155,000 of the general fund--federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

((10)) (9) \$6,293,000 of the general fund--state appropriation and \$6,545,000 of the general fund--federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund--state amount and \$459,000 of the general fund--federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

((11)) (10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide nonhospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund--state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

**Sec. 214. 1990 1st ex.s. c 16 s 220 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation--State . . . . .	\$	((55,898,000))
		<u>55,198,000</u>
General Fund Appropriation--Federal . . . . .	\$	((36,980,000))
		<u>37,680,000</u>
Institutional Impact Account Appropriation. . . . .	\$	230,000
TOTAL APPROPRIATION . . . . .	\$	93,108,000

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

(1) \$666,000 of the general fund--state appropriation is provided solely to enhance the department's accounting system.

(2) \$83,000 of the general fund--state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.

(3) \$159,000 of the general fund--federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.

(4) \$150,000 of the general fund--state appropriation is provided solely for transfer to the institutional impact account.

(5) \$148,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

**Sec. 215.** 1990 1st ex.s. c 16 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
 COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation--State . . . . .	\$	((164,539,000))
		<u>163,617,000</u>
General Fund Appropriation--Federal . . . . .	\$	((200,973,000))
		<u>201,895,000</u>
TOTAL APPROPRIATION . . . . .	\$	365,512,000

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) \$645,000 of the general fund--state appropriation and \$1,284,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

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

(6) \$137,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

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

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

Sec. 216. 1990 1st ex.s. c 16 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund Appropriation--State . . . . . \$	((84,912,000))
	<u>87,878,000</u>
General Fund Appropriation--Federal . . . . . \$	((132,144,000))
	<u>149,026,000</u>
General Fund Appropriation--Private/Local . . . . . \$	269,000
Building Code Council Account Appropriation . . . . \$	809,000
Public Works Assistance Account Appropriation . . . \$	933,000
Fire Service Training Account Appropriation . . . . \$	750,000
State Toxics Control Account Appropriation . . . . . \$	519,000
Low Income Weatherization Account Appropriation . \$	13,000,000
Washington Housing Trust Fund Appropriation . . . . \$	13,500,000
TOTAL APPROPRIATION . . . . . \$	((246,836,000))
	<u>266,684,000</u>

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

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

(2) \$200,000 of the general fund--state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$8,500,000 of the general fund--state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

(b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and



the expenditure complies with the plan and with the following conditions and limitations:

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

(ii) No more than \$150,000 of the amount provided in this subsection may be expended for administration of the plan.

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

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund--state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

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

(4) \$3,000,000 of the general fund--state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund--state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund--state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$16,900,000 of the general fund--state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) \$307,000 of the general fund--state appropriation is provided solely for the department to continue homeport activities.

(10) \$200,000 of the general fund--state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(11) \$75,000 of the general fund--state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(12) \$200,000 of the general fund--state appropriation is provided solely for a pilot rural revitalization program.

(13) \$200,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

(14) \$375,000 of the general fund--state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund--state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund--state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund--state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund--state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund--state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one

grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund--state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund--state appropriation and \$80,000 is from the general fund--federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund--state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If

Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$70,000 of the general fund--state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

((28)) (26) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

((29)) (27) \$10,000 of the general fund--state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 217. 1990 1st ex.s. c 16 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation . . . . .	\$	9,277,000
Public Safety and Education Account Appropriation-- State . . . . .	\$	((19,764,000))
		<u>13,764,000</u>
Public Safety and Education Account Appropriation-- Federal . . . . .	\$	2,000,000
Accident Fund Appropriation . . . . .	\$	101,422,000
Electrical License Fund Appropriation . . . . .	\$	12,408,000
Farm Labor Revolving Account Appropriation . . . . .	\$	30,000
Medical Aid Fund Appropriation . . . . .	\$	120,161,000
Asbestos Account Appropriation . . . . .	\$	1,314,000
Plumbing Certificate Fund Appropriation . . . . .	\$	696,000
Pressure Systems Safety Fund Appropriation . . . . .	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation . . . . .	\$	2,406,000
TOTAL APPROPRIATION . . . . .	\$	((270,954,000))
		<u>264,954,000</u>

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

(1) \$((6,596,793)) 4,765,000 from the accident fund appropriation and \$((12,953,328)) 4,765,000 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account--state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 218. 1990 1st ex.s. c 16 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation--State . . . . .	\$	((20,229,000))
		<u>20,297,000</u>
General Fund Appropriation--Federal . . . . .	\$	5,988,000
General Fund Appropriation--Local . . . . .	\$	7,802,000
TOTAL APPROPRIATION . . . . .	\$	((34,019,000))
		<u>34,087,000</u>

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

(1) \$192,000 of the general fund--state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

(2) \$68,000 of the general fund--state appropriation is provided solely to enhance counseling programs for posttraumatic stress disorder.

Sec. 219. 1990 1st ex.s. c 16 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

(1) The appropriations in this section and in section 232, chapter 299, Laws of 1990, shall be expended for the programs and in the amounts listed in the sections. However, unless specifically prohibited under this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in the sections after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from appropriation levels and any deviation from the conditions and limitations.

(2) **COMMUNITY SERVICES**

General Fund Appropriation . . . . .	\$	75,022,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

((2)) (3) **INSTITUTIONAL SERVICES**

General Fund Appropriation . . . . .	\$	313,100,000
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The appropriation in this subsection is subject to the following conditions and limitations:

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

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

((4)) (c) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

((3)) (4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation . . . . .	\$	((24,081,000))
		<u>24,481,000</u>
Institutional Impact Account Appropriation. . . . .	\$	332,000
TOTAL APPROPRIATION . . . . .	\$	((24,413,000))
		<u>24,813,000</u>

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

((a)) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

((4)) (5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation . . . . .	\$	2,622,000
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Sec. 220. 1990 1st ex.s. c 16 s 230 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation . . . . .	\$	((17,991,000))
		<u>13,768,000</u>

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to ((25,000)) 20,000 individuals during the 1989-91 biennium.

Sec. 221. 1990 1st ex.s. c 16 s 231 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation--State . . . . .	\$	129,000
General Fund Appropriation--Federal . . . . .	\$	159,308,000
General Fund Appropriation--Local . . . . .	\$	12,489,000
Administrative Contingency Fund Appropriation--		
Federal . . . . .	\$	11,965,000
Unemployment Compensation Administration Fund		
Appropriation--Federal . . . . .	\$	((118,169,000))
		<u>118,404,000</u>
Employment Service Administration Account		
Appropriation--Federal . . . . .	\$	790,000
Employment Service Administration Account		
Appropriation--State . . . . .	\$	6,823,000
Federal Interest Payment Fund Appropriation . . . . .	\$	((2,100,000))
		<u>2,443,000</u>
TOTAL APPROPRIATION . . . . .	\$	((311,773,000))
		<u>312,351,000</u>

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

(1) \$152,000 of the administrative contingency fund--federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for

transfer through interagency agreement to the department of social and health services for family independence program employment services.

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

(3) \$228,000 of the administrative contingency fund--federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund--federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund--federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(9) \$235,000 of the unemployment compensation administration fund--federal appropriation is provided solely for payment of expenses in the administration of the state of Washington's unemployment compensation law and public employment offices from funds made available to this state under section 903 of the social security act, as amended, subject to the requirements of RCW 50.16.030. This amount shall not be spent for any other purpose.

Sec. 222. 1990 1st ex.s. c 16 s 232 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund Appropriation . . . . .	\$	((9,367,000))
		<u>9,867,000</u>
Health Professions Account Appropriation . . . . .	\$	1,541,000
State Toxics Control Account Appropriation . . . . .	\$	1,048,000
Medical Test Site Licensure Account		
Appropriation . . . . .	\$	244,000
Hospital Commission Account Appropriation . . . . .	\$	58,000
TOTAL APPROPRIATION . . . . .	\$	((12,200,000))
		<u>12,758,000</u>

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, unless specifically prohibited under this section the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in this section or transferred under chapter 9, Laws of 1989 1st ex. sess. after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from the conditions and limitations.

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

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. Sec. 223. 1990 1st ex.s. c 16 s 210 & 1989 1st ex.s. c 19 s 209 (uncodified) are each repealed.

NEW SECTION. Sec. 224. 1990 1st ex.s. c 16 s 203 (uncodified) is repealed.

**"PART III  
NATURAL RESOURCES"**

Sec. 301. 1990 1st ex.s. c 16 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation--State . . . . .	\$	((61,296,000))
		61,534,300
General Fund Appropriation--Federal . . . . .	\$	27,024,000
General Fund Appropriation--Private/Local. . . . .	\$	432,000
Flood Control Assistance Account Appropriation. . .	\$	3,852,000
Special Grass Seed Burning Research Account		
Appropriation . . . . .	\$	81,000
Reclamation Revolving Account Appropriation . . . .	\$	474,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess. . . . .	\$	389,000
Litter Control Account Appropriation . . . . .	\$	((6,830,000))
		<u>7,040,000</u>
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		



pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) . . . . .	\$	2,627,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) . . . . .	\$	1,286,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) . . . . .	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation . . . . .	\$	300,000
Vehicle Tire Recycling Account Appropriation . . . . .	\$	6,494,000
Water Quality Account Appropriation . . . . .	\$	3,161,000
Wood Stove Education Account Appropriation . . . . .	\$	482,000
Worker and Community Right-to-Know Fund Appropriation . . . . .	\$	285,000
State Toxics Control Account . . . . .	\$	39,202,000
Local Toxics Control Account . . . . .	\$	41,328,000
Water Quality Permit Account Appropriation . . . . .	\$	7,135,000
Solid Waste Management Account Appropriation. . . . .	\$	5,600,000
Underground Storage Tank Account Appropriation. . . . .	\$	3,658,000
Hazardous Waste Assistance Account Appropriation. \$		2,317,000
TOTAL APPROPRIATION . . . . .		<del>((215,839,000))</del>
		<u>216,287,000</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 the general fund--state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(11) \$200,000 of the general fund--state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

(14) \$427,000 of the state and local improvement revolving account--water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(15) \$250,000 of the general fund--state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(16) \$70,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(17) \$200,000 of the general fund--state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

~~((21))~~ (20) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

~~((22))~~ (21) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

~~((23))~~ (22) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

((24)) (23) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

((26)) (24) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

((27)) (25) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

((28)) (26) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

((29)) (27) \$29,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 302. 1990 1st ex.s. c 16 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation--State . . . . .	\$	41,332,000
General Fund Appropriation--Federal . . . . .	\$	1,208,000
General Fund Appropriation--Private/Local . . . . .	\$	822,000
Trust Land Purchase Account Appropriation . . . . .	\$	((11,082,000))
		<u>11,696,000</u>
Winter Recreation Parking Account Appropriation . . .	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation . . .	\$	173,000
Snowmobile Account Appropriation . . . . .	\$	1,143,000
Public Safety and Education Account Appropriation .	\$	10,000

Motor Vehicle Fund Appropriation. . . . .	\$	1,100,000
TOTAL APPROPRIATION . . . . .	\$	((57,218,000))
		<u>57,832,000</u>

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

(1) \$60,000 of the general fund--state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating).

(3) \$200,000 of the general fund--state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

(5) \$614,000 of the trust land purchase account appropriation is provided solely to repair storm damage to state parks.

Sec. 303. 1990 1st ex.s. c 16 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation--State . . . . .	\$	((46,192,500))
		<u>50,528,500</u>
General Fund Appropriation--Federal . . . . .	\$	((639,000))
		<u>929,000</u>
General Fund Appropriation--Private/Local . . . . .	\$	((12,000))
		<u>54,000</u>
ORV (Off-Road Vehicle) Account Appropriation--		
Federal . . . . .	\$	3,266,000
Geothermal Account Appropriation--Federal . . . . .	\$	16,000
Forest Development Account Appropriation . . . . .	\$	((23,517,000))
		<u>25,517,000</u>
Survey and Maps Account Appropriation. . . . .	\$	1,090,000
Natural Resources Conservation Area Stewardship		
Account Appropriation. . . . .	\$	364,000
Aquatic Lands Enhancement Account Appropriation. \$		635,000
Landowner Contingency Forest Fire Suppression		
Account Appropriation. . . . .	\$	2,119,000
Resource Management Cost Account Appropriation . \$		((69,577,000))
		<u>67,577,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation. . . . .	\$	536,000
State Toxics Control Account Appropriation. . . . .	\$	399,000
TOTAL APPROPRIATION . . . . .	\$	((148,362,500))
		<u>153,030,500</u>

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

(1) \$((4,654,000)) 8,854,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund--state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000

is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund--state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

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

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

(10) \$125,000 of the general fund--state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

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

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber landowners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund--state

appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund--state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund--state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

(17) \$136,000 of the general fund--state appropriation is provided solely to implement forest practices reviews required under the state environmental policy act and the federal threatened and endangered species act.

**Sec. 304.** 1990 1st ex.s. c 16 s 311 (uncodified) is amended to read as follows:  
**FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION**

General Fund Appropriation . . . . . \$ 100,000,000

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

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and ((purchased)) acquired at fair market value. For purposes of this appropriation, notwithstanding RCW 43.51.270, as to moneys addressed in subsection (1) of this section, the proceeds from the ((sale)) transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the ((sale)) transfer of the land under subsection (2) of this section shall be used by the department, without further appropriation, to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

**"PART V  
EDUCATION"**

**Sec. 1.** 1990 1st ex.s. c 16 s 502 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL  
APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation . . . . . \$ ((4,340,690,000))  
4,355,350,000

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

(1) ~~\$((419,407,000))~~ 419,450,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

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

(d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative

staff units for each 17.5 full time equivalent vocational students in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

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

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

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

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

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

(g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

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

(i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students,



operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

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

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

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

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

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

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

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

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

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

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

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000)~~ 9,829,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~\$(358,000)~~ 350,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

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

(c) A maximum of ~~\$(272,000)~~ 184,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and 7.0 percent from the 1989-90 school year to the 1990-91 school year.

(10)(a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of public instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall

recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) Subsection (11) of this section does not apply in the 1990-91 school year to any school district that experienced in the 1989-90 school year an enrollment decline of greater than 1,000 full time equivalent students as compared to the 1988-89 school year. However, such a school district shall use allocations for salaries and benefits generated under subsections (2)(a)(i) and (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-12 above the district's actual K-12 staffing ratio in the 1988-89 school year. The superintendent of public instruction shall recover funding allocated under subsections (2)(a)(i) and (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified in this subsection.

(13) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

**Sec. 2. 1990 1st ex.s. c 16 s 504 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC  
EDUCATION EMPLOYEE COMPENSATION INCREASES**

General Fund Appropriation . . . . . \$ 222,564,000  
((221,451,000))

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

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

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

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

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

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

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

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

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

(3) ~~\$(7,517,000)~~ 7,527,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(30,396,000)~~ 30,426,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(183,538,000)~~ 184,611,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

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

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

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

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

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

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

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

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

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

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

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

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

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

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

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

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

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

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

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				32,174
13				
14				
15 or more				

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

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14	36,762	38,573	36,786	39,154	40,892
15 or more	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

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

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 3. 1990 1st ex.s. c 16 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES**

General Fund Appropriation . . . . . \$ (45,361,000)  
45,791,000

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

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

(2) A maximum of \$~~(15,010,000)~~ 15,190,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$48.08 per pupil for the 1990-91 school year.

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

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$240.15 per full time equivalent student for the 1990-91 school year.

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

(3) A maximum of \$((~~30,351,000~~)) 30,601,000 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. 4. 1990 1st ex.s. c 16 s 506 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL  
EMPLOYEE INSURANCE BENEFIT INCREASES**

General Fund Appropriation . . . . . \$ ((~~25,695,000~~))  
25,723,000

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

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

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of \$((~~20,465,000~~)) 20,468,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of \$((~~2,843,000~~)) 2,851,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of \$((~~130,000~~)) 132,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of \$((~~2,257,000~~)) 2,272,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;



(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

**Sec. 5. 1989 1st ex.s. c 19 s 506 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS**

General Fund Appropriation . . . . . \$ ~~(33,141,000)~~  
34,921,000

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

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

~~(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.))~~ The appropriation in this section is for distribution to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322 (chapter 272, Laws of 1989) and Substitute Senate Bill No. 5418 (chapter 273, Laws of 1989).

**Sec. 6. 1990 1st ex.s. c 16 s 507 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . . \$ ~~((252,938,000))~~  
253,500,000

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 ~~\$((112,197,000))~~ 112,113,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

**Sec. 7. 1990 1st ex.s. c 16 s 509 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation--State . . . . . \$ ~~((528,627,000))~~  
530,403,000  
General Fund Appropriation--Federal . . . . . \$ 59,000,000  
TOTAL APPROPRIATION . . . . . \$ ~~((587,627,000))~~

589,403,000

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

(1) \$((48,101,000)) 48,122,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$527,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund--state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund--state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 8. 1989 1st ex.s. c 19 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation . . . . . \$ ((14,067,000))  
14,095,000

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

Sec. 9. 1990 1st ex.s. c 16 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation . . . . . \$ ((95,844,000))  
97,391,000

The appropriation in this section is subject to the following conditions and limitations: \$((95,844,000)) 97,391,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 10. 1990 1st ex.s. c 16 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation--State . . . . .	\$	(21,939,000)
		<u>22,228,000</u>
General Fund Appropriation--Federal . . . . .	\$	8,006,000
TOTAL APPROPRIATION . . . . .	\$	((29,945,000))
		<u>30,234,000</u>

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

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

(2) \$11,374,000 of the general fund--state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$11,144 per full time equivalent student.

(b) \$3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,750 per full time equivalent student.

(c) \$444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,344 per full time equivalent student.

(d) \$821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,976 per full time equivalent student.

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

~~(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$11,128 per full time equivalent student and a total allocation of no more than \$2,960,000 for that school year.~~

~~(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,761 per full time equivalent student and a total allocation of no more than \$3,712,000 for that school year.~~

~~(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,489 per full time equivalent student and a total allocation of no more than \$445,000 for that school year.~~

~~(d)) (3) State funding for juvenile parole learning center programs for the 1990-91 school year may be distributed at a maximum rate averaged over all of these programs of \$2,021 per full time equivalent student and a total allocation of no more than \$(816,000 for that school year) 841,000, excluding funds provided through the basic education formula established in section 502 of this act.~~

~~((e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,987 per full time~~

~~equivalent student and a total allocation of no more than \$2,125,000 for that school year.))~~

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

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsection((s)) (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. 11. 1990 1st ex.s. c 16 s 512 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS  
FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ ~~((7,115,000))~~  
7,059,000

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

(1) ~~\$((532,000))~~ 479,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

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

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

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

**Sec. 12. 1990 1st ex.s. c 16 s 515 (uncodified) is amended to read as follows:  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR  
TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation . . . . . \$ ~~((17,035,000))~~  
18,753,000

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

(1) ~~\$((1,521,000))~~ 1,518,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

**Sec. 13. 1990 1st ex.s. c 16 s 516 (uncodified) is amended to read as follows:**

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation . . . . .	\$	((71,839,000))
		<u>71,472,000</u>

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

(1) \$((5,847,000)) 5,533,000 is provided solely for the remaining months of the 1988-89 school year.

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

**"PART VI  
HIGHER EDUCATION"**

**Sec. 601.** 1989 1st ex.s. c 19 s 616 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation . . . . .	\$	((1,095,000))
		<u>1,136,500</u>

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

**"PART VII  
SPECIAL APPROPRIATIONS"**

**Sec. 701.** 1990 1st ex.s. c 16 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums tax distribution . . . . .	\$	((4,300,000))
		<u>4,327,200</u>
General Fund Appropriation for public utility district excise tax distribution . . . . .	\$	23,700,000
General Fund Appropriation for prosecuting attorneys' salaries . . . . .	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution . . . . .	\$	70,000,000
General Fund Appropriation for local mass transit		

assistance . . . . .	\$	<del>((215,000,000))</del>
		<u>229,017,450</u>
General Fund Appropriation for camper and travel trailer excise tax distribution . . . . .	\$	2,200,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution . . .	\$	<del>((1,100,000))</del>
		<u>350,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . .	\$	<del>((90,000))</del>
		<u>80,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution . . . . .	\$	<del>((19,900,000))</del>
		<u>19,852,520</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . .	\$	<del>((316,000,000))</del>
		<u>320,973,531</u>
Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	48,750,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	<del>((96,200,000))</del>
		<u>96,101,700</u>
Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	<del>((37,200,000))</del>
		<u>36,900,989</u>
County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	<del>((12,800,000))</del>
		<u>12,924,165</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$	<del>((736,000))</del>
		<u>836,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del><b>((850,253,000))</b></del>
		<u><b>868,290,555</b></u>
<b>Sec. 702. 1989 1st ex.s. c 19 s 704 (uncodified) is amended to read as follows:</b>		
<b>FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES</b>		
State Convention and Trade Center Account Appropriation . . . . .	\$	29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation . . . . .	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation . . . . .	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation . . . . .	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation . . . . .	\$	<del>((9,249,000))</del>
		<u>4,423,000</u>
Spokane River Toll Bridge Revolving Account Appropriation . . . . .	\$	882,100
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del><b>((43,576,500))</b></del>
		<u><b>38,750,000</b></u>

**Sec. 703.** 1989 1st ex.s. c 19 s 708 (uncodified) is amended to read as follows:  
**FOR THE GOVERNOR--EMERGENCY FUND**

General Fund Appropriation . . . . . \$ ~~(2,000,000)~~  
2,200,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

**NEW SECTION. Sec. 704.** A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, entities, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
  - (a) John Clees, claim number
    - SCG-90-03 . . . . . \$ 7,500.00
  - (b) Joseph Lenton, Jr., claim number
    - SCG-90-05 . . . . . \$ 630.00
  - (c) Ralph Greenwood, claim number
    - SCG-90-07 . . . . . \$ 9,900.00
- (2) Reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution:
  - (a) John B. Olson, claim number
    - SCJ-90-07 . . . . . \$ 77,223.00
  - (b) Roy Simons, claim number SCJ-90-08 . \$ 3,371.00
  - (c) Ted Hosey, claim number SCJ-90-06 . \$ 4,861.00
  - (d) Lawrence Jones, claim number
    - SCJ-90-13 . . . . . \$ 3,327.00
  - (e) Jeffrey Strom, claim number SCJ-90-05 \$ 5,818.00
  - (f) Antony Katoe, claim number SCJ-90-08 \$ 20,581.00
  - (g) Connie Roseman, claim number
    - SCJ-90-11 . . . . . \$ 4,356.00
  - (h) Wesley Grow, claim number SCJ-90-16 \$ 3,446.00
  - (i) Greg Heil, claim number SCJ-90-18 . \$ 3,375.00
  - (j) Larry E. Miller, claim number SCJ-91-4 \$ 8,236.00
  - (k) Jim Jones, claim number SCJ-91-5 . . \$ 1,550.00
  - (l) Charles Terrill, claim number SCJ-91-6 \$ 3,514.50
  - (m) Brian Davis, claim number SCJ-91-1 . \$ 2,421.91
  - (n) Robert Henry, Kevin Ryan, and  
 Ronnie Ryan;
    - claim number SCJ-91-3 . . . . . \$ 19,515.75
  - (o) Thea Veath, claim number SCJ-91-7 . \$ 5,582.26
  - (p) Valerie Valdez, claim number
    - SCJ-90-21 . . . . . \$ 4,194.94
  - (q) Francis W. Rock, claim number
    - SCJ-91-9 . . . . . \$ 2,394.74
  - (r) Curtiss B. Fiechtner, claim number
    - SCJ-91-8 . . . . . \$ 4,951.35
  - (s) Michael A. Bognucci, claim number

	SCJ-91-2 . . . . .	\$	1,797.58
	(t) Gary & Beryle Murray, claim number		
	SCJ-91-11 . . . . .	\$	7,092.50
(3)	Department of Corrections, for reimbursement of political subdivisions of criminal justice expenses incurred in the 1987-89 fiscal biennium, pursuant to RCW 72.72.030 . . . . .	\$	36,210.37
(4)	City of Seattle, in settlement of all claims relating to claim number SCO-89-12, including		
	interest . . . . .	\$	20,876.05
(5)	City of Yakima, in settlement of all claims relating to claim number SCO-89-12, including		
	interest . . . . .	\$	8,100.00
(6)	Employment Security Department, for payment in lieu of contributions with respect to benefits attributable to the Economic Development		
	Board . . . . .	\$	15,000.00
(7)	Office of the Attorney General, for payment of attorneys' fees and costs as ordered by the United States District Court for the Western District of Washington, case number		
	C89-1587WD . . . . .	\$	51,804.33

Sec. 705. 1990 1st ex.s. c 16 s 711 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

General Fund Appropriation: For transfer to the			
Institutional Impact Account . . . . .	\$	((332,536))	
			<u>465,806</u>
General Fund Appropriation: For transfer to the			
Miscellaneous Fund--Tort Claims Revolving			
Fund. . . . .	\$	((796,539))	
			<u>6,843,651</u>
Liquor Revolving Account Appropriation: For			
transfer to the Miscellaneous Fund--			
Tort Claims Revolving Fund . . . . .	\$	160,000	
<u>Resource Management Cost Account Appropriation: For transfer to the Miscellaneous</u>			
<u>Fund--Tort Claims Revolving Fund . . . . .</u>	<u>\$</u>	<u>45,911</u>	
<u>Forest Development Account Appropriation: For transfer to the Miscellaneous Fund--</u>			
<u>Tort Claims Revolving Fund . . . . .</u>	<u>\$</u>	<u>36,220</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))	
			<u>16,519,200</u>
Data Processing Revolving Account: For			
transfer to the General			
Fund . . . . .	\$	2,400,000	
Public Facilities Construction Loan and Grant			
Revolving Fund: For transfer to the			
General Fund . . . . .	\$	2,400,000	
Public Facility Construction Loan Revolving Account:			
For transfer to the Public Facilities			
Construction Loan and Grant Revolving			



Account . . . . .	\$	430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur . . . . .	\$	430,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991 . . . . .	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991 . . . . .	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account . . . . .	\$	15,000,000
Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources. . . . .	\$	20,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit . . . . .	\$	((15,800,000))
		<u>9,836,827</u>
Building Code Council Account Appropriation: For transfer to the <u>General Fund</u> . . . . .	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse . . . . .	\$	60,267,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account. . . . .	\$	2,832,000

**"PART VIII  
MISCELLANEOUS"**

NEW SECTION. **Sec. 801.** This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by chapter 16, Laws of 1990 1st ex. sess. and this act.

NEW SECTION. **Sec. 802.** 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. 803.** 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 3 of the title, after "1991;" strike the remainder of the title and insert "amending 1990 1st ex.s. c 16 ss 105, 106, 108, 109, 111, 112, 114, 118, 119, 121, 122, 124, 128, 202, 205, 206, 207, 208, 209, 211, 212, 213, 216, 217, 218, 220, 221, 225, 227, 228, 229, 230, 231, 232, 302, 303, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 701, 711 (uncodified); amending 1989 1st ex.s. c 19 ss 113, 133, 201, 506, 511, 616, 704, 708 (uncodified); amending 1990 c 299 s 202 (uncodified); adding a new section to 1990 1st ex.s. c 16 (uncodified); repealing 1990 1st ex.s. c 16 s 210 and 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st ex.s. c 16 s 203 (uncodified); making appropriations; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Reengrossed Substitute Senate Bill No. 5395 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 Reengrossed Substitute Senate Bill No. 5395.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Bluechel, Sellar, - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395, having received the 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 sixth order of business.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers and Schmidt) (by request of Governor Gardner)

Adopting the capital budget.

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:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Emerg Water Proj Rev Acct" means State Emergency Water Project Revolving Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

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

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**"PART 1  
GENERAL GOVERNMENT"**

**NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE**

(1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 2,839,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 360,000

Prior Biennia (Expenditures) . . . . . \$ 200,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,399,000

- (2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	60,800
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	60,800

- (3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	22,200
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	22,200

- (4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	52,400
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	500,000
TOTAL . . . . .	\$	552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	236,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	236,000

NEW SECTION. Sec. 5. FOR THE OFFICE OF FINANCIAL MANAGEMENT

- (1) Local jail facilities (88-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	308,000
Prior Biennia (Expenditures). . . . .	\$	2,692,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 3,000,000

(2) For environmental cleanup related to underground storage tanks  
 The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (2) shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection (2) or in any subsection specifically referencing this subsection (2) may be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,579,000
CEP & RI Acct . . . . .	\$	390,000
For Dev Acct . . . . .	\$	37,000
Res Mgmt Cost Acct . . . . .	\$	118,000
<hr/>		
Subtotal Appropriation . . . . .	\$	4,124,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<hr/>		
TOTAL . . . . .	\$	4,124,000

(3) For asbestos removal or abatement projects  
 The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (3) shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection (3) or in any subsection specifically referencing this subsection (3) may be expended unless the asbestos removal or abatement project is required by an order of a court of competent jurisdiction or required by federal law or regulation.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	3,860,000
CEP & RI Acct . . . . .	\$	25,000
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Subtotal Reappropriation . . . . .	\$	3,885,000

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	9,578,000
CEP & RI Acct . . . . .	\$	540,000
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Subtotal Appropriation . . . . .	\$	10,118,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<hr/>		
TOTAL . . . . .	\$	14,013,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

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

(a) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(b) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(c) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct . . . . . \$ 31,301,667

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 31,000,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 109,000,000

TOTAL . . . . . \$ 171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 282,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 282,000

**NEW SECTION. Sec. 6. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS**

- (1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 150,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 150,000

**NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

**Reappropriation:**

**Cap Bldg Constr Acct . . . . . \$ 23,000**

Prior Biennia (Expenditures) . . . . . \$ 90,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 113,000**

- (2) Boiler plant structural repairs: To complete phase I of the structural repair of the capitol campus boiler plant (88-1-003)

**Reappropriation:**

**Cap Bldg Constr Acct . . . . . \$ 333,000**

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 333,000**

- (3) Campus repairs: Inadequate building systems (88-2-008)

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 566,000**

Prior Biennia (Expenditures) . . . . . \$ 6,801,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 7,367,000**

- (4) Minor works: Northern State facility repairs (90-1-012)

The reappropriation in this subsection is subject to the following conditions and limitations: The reappropriation shall be used for electrical cable repair and replacement.

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 275,000**

Prior Biennia (Expenditures) . . . . . \$ 744,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 1,019,000**

- (5) Boiler plant structural repairs (90-1-016)

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 700,000**

Prior Biennia (Expenditures) . . . . . \$ 30,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 730,000**



(6) Minor works: Sidewalks and streets (90-2-005)

**Reappropriation:**

Cap Bldg Constr Acct . . . . .	\$	<b>425,000</b>
Prior Biennia (Expenditures) . . . . .	\$	75,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	500,000

(7) Minor works: Building exterior repairs (90-2-006)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	<b>180,000</b>
Cap Bldg Constr Acct . . . . .	\$	<b>450,000</b>
		-----
Subtotal Reappropriation . . . . .	\$	630,000
Prior Biennia (Expenditures) . . . . .	\$	2,222,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,852,000

(8) Minor works: Mechanical system repairs (90-2-009)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	<b>600,000</b>
Prior Biennia (Expenditures) . . . . .	\$	1,400,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,000,000

(9) Remodel of the John A. Cherberg Building (88-2-040)

The appropriations in this section are subject to the following conditions and limitations: The project shall include the review of and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	<b>3,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,000,000

(10) Minor works: Building interior repairs (90-2-010)

The reappropriation in this subsection is subject to the following conditions and limitations: \$200,000 is provided solely to correct deficiencies in the legislative cafeteria, and \$100,000 is provided solely for the replacement and repair of the Office Building No. 2 electrical switch boards.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$ 300,000
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Prior Biennia (Expenditures) . . . . .	\$ 1,138,000
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Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 1,438,000
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- (11) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$ 5,000,000
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Prior Biennia (Expenditures) . . . . .	\$ 0
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Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 5,000,000
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- (12) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

**Reappropriation:**

East Cap Constr Acct. . . . .	\$ 45,400,000
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Prior Biennia (Expenditures) . . . . .	\$ 27,600,000
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Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 73,000,000
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- (13) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

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

(a) This reappropriation is provided solely for buildings to provide care for the mentally ill consistent with chapter 205, Laws of 1989.

(b) No moneys from this reappropriation may be expended until the department secures a lease with a county or a group of counties for buildings for the purpose of operating a facility for the mentally ill consistent with chapter 205, Laws of 1989.

(c) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$ 2,450,000
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Prior Biennia (Expenditures) . . . . .	\$ 50,000
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Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 2,500,000
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- (14) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$ 1,800,000
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**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>671,000</b>
Prior Biennia (Expenditures) . . . . .	\$	215,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,686,000</b>

(15) Capitol Lake repairs and preservation (90-3-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$85,000 of this appropriation is provided solely for shoreline repairs.

**Reappropriation:**

<b>Cap Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>70,000</b>
Prior Biennia (Expenditures) . . . . .	\$	215,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>285,000</b>

(16) Small repairs and improvements: For small repairs and improvements on the capitol campus, and at other general administration facilities throughout the state (92-2-002)

**Appropriation:**

<b>Cap Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>342,000</b>
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>108,000</b>
Subtotal Appropriation. . . . .	\$	450,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,446,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,896,000</b>

(17) Emergency repairs (92-1-001)

**Appropriation:**

<b>Cap Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>160,000</b>
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>90,000</b>
Subtotal Appropriation. . . . .	\$	250,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,125,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,375,000</b>

(18) Underground storage tanks: To remove and replace underground storage tanks on the capitol campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>140,000</b>
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,371,000
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TOTAL . . . . .	\$	1,511,000

- (19) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

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

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

**Reappropriation:**

Cap Purch & Dev Acct. . . . .	\$	150,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	22,438,000
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Prior Biennia (Expenditures) . . . . .	\$	350,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	22,938,000
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- (20) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	1,200,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	22,101,000
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TOTAL . . . . .	\$	23,301,000
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- (21) Capitol Lake dredging (92-3-019)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,000,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
		-----

TOTAL . . . . .	\$	2,000,000
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- (22) Capitol Lake repairs (92-2-015)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,125,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,125,000

(23) Campus high voltage loop improvements (2) (92-2-008)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,009,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,009,000

(24) Minor works: Building electrical repairs (92-2-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$150,000 is provided for electrical and data lines to be installed in the chambers of the senate and house of representatives.

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	317,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	588,000
		-----
TOTAL . . . . .	\$	905,000

(25) Capitol campus control system improvements, phases 2 and 3 (92-2-014)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	1,671,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,454,000
		-----
TOTAL . . . . .	\$	3,125,000

(26) Minor works: Utilities and grounds improvements (92-2-016)

Funding is provided solely for the installation of an oil separator in the powerhouse tank drain, repair of sidewalks and steps around the capitol campus, replacement of plumbing in the Tivoli Fountain, and installation of bicycle lockers.

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	1,184,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,760,000
		-----
TOTAL . . . . .	\$	2,944,000

(27) Minor works: Building exterior repairs (92-2-017)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	1,172,000
St Bldg Constr Acct. . . . .	\$	615,000
		-----
Subtotal Appropriation. . . . .	\$	1,787,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,469,000
		-----
TOTAL . . . . .	\$	5,256,000

## (28) Minor works: Building interior repairs (92-2-018)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	600,000
St Bldg Constr Acct. . . . .	\$	489,000
		-----
Subtotal Appropriation. . . . .	\$	1,089,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,320,000
		-----
TOTAL . . . . .	\$	2,409,000

## (29) Minor works: Building mechanical system improvements (92-2-020)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	944,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,397,000
		-----
TOTAL . . . . .	\$	4,341,000

## (30) Governor's Mansion structural repairs and sprinkler installation (92-2-024)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	80,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,200,000
		-----
TOTAL . . . . .	\$	1,280,000

## (31) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)

**Appropriation:**

CEP & RI Acct . . . . .	\$	280,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,278,000
		-----
TOTAL . . . . .	\$	1,558,000

## (32) Implementation strategy for state facilities in Thurston county (92-5-100)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
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	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	300,000
(33)	State Capitol satellite campuses master plan (92-5-101)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>750,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	750,000
(34)	Business park facilities master plan (92-5-102)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500,000
(35)	Capitol campus geotechnical and hydrologic survey (92-5-108)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>300,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	300,000
(36)	Thurston county landbank: To acquire interest in real property for inclusion in a landbank for future state facilities in Thurston county (92-5-000)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,000,000
(37)	Heritage Park: To acquire property and begin planning for a park between the capitol campus and Capitol Lake (92-5-105)		

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park.

	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>6,700,000</b>

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	13,800,000
		-----
TOTAL . . . . .	\$	20,500,000

- (38) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	591,000
St Bldg Constr Acct. . . . .	\$	500,000
		-----
Subtotal Appropriation. . . . .	\$	1,091,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,091,000

- (39) Deschutes parkway road and storm drainage preplan and repairs (92-2-023)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	285,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	7,627,000
		-----
TOTAL . . . . .	\$	7,912,000

**NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT**

- (1) Exterior painting of facilities (88-3-007)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	42,000
Prior Biennia (Expenditures) . . . . .	\$	974,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,016,000

- (2) Minor works (86-1-005)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	735,000
Prior Biennia (Expenditures) . . . . .	\$	525,000
Future Biennia (Projected Costs) . . . . .	\$	1,517,000
		-----
TOTAL . . . . .	\$	2,777,000

- (3) Small repairs and improvements: Projects less than twenty-five thousand dollars each (86-1-006)



**Appropriation:**

St Bldg Constr Acct. . . . . \$ 292,000

Prior Biennia (Expenditures) . . . . . \$ 375,000

Future Biennia (Projected Costs) . . . . . \$ 906,000

TOTAL . . . . . \$ 1,573,000

(4) Minor works in support of small federal construction projects (86-2-004)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 92,000

**Appropriation:**

General Fund-Federal . . . . . \$ 1,125,000

St Bldg Constr Acct. . . . . \$ 375,000

Subtotal Appropriation . . . . . \$ 1,500,000

Prior Biennia (Expenditures) . . . . . \$ 4,160,000

Future Biennia (Projected Costs) . . . . . \$ 4,101,000

TOTAL . . . . . \$ 9,853,000

(5) Facility heating, ventilating, and air conditioning renovation (88-3-004)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 93,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 248,000

Prior Biennia (Expenditures) . . . . . \$ 461,000

Future Biennia (Projected Costs) . . . . . \$ 829,600

TOTAL . . . . . \$ 1,631,600

(6) Roof renovation or replacement projects (88-3-006)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 126,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 641,000

Prior Biennia (Expenditures) . . . . . \$ 699,000

Future Biennia (Projected Costs) . . . . . \$ 1,338,000

TOTAL . . . . . \$ 2,804,000

(7) Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 252,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 485,000

Prior Biennia (Expenditures) . . . . . \$ 548,000

Future Biennia (Projected Costs) . . . . . \$ 1,535,000

TOTAL . . . . . \$ 2,820,000

- (8) Underground storage tanks: To remove and replace underground storage tanks and remediate contaminated soils (88-1-008)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	270,000
Prior Biennia (Expenditures) . . . . .	\$	550,000
Future Biennia (Projected Costs) . . . . .	\$	373,000
		-----
TOTAL . . . . .	\$	1,393,000

- (9) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)

**Appropriation:**

General Fund-Federal. . . . .	\$	1,602,000
St Bldg Constr Acct. . . . .	\$	1,102,000
		-----
Subtotal Appropriation. . . . .	\$	2,704,000
Prior Biennia (Expenditures) . . . . .	\$	155,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,859,000

- (10) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)

**Appropriation:**

General Fund-Federal. . . . .	\$	1,728,000
St Bldg Constr Acct. . . . .	\$	1,127,000
		-----
Subtotal Appropriation. . . . .	\$	2,855,000
Prior Biennia (Expenditures) . . . . .	\$	163,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,018,000

- (11) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)

**Appropriation:**

General Fund-Federal. . . . .	\$	1,804,000
St Bldg Constr Acct. . . . .	\$	1,206,000
		-----
Subtotal Appropriation. . . . .	\$	3,010,000
Prior Biennia (Expenditures) . . . . .	\$	170,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,180,000

**NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD**

- (1) Preplanning liquor distribution center with materials handling system (92-1-001)

**Appropriation:**

Liquor Revolving Acct . . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	120,000

**"PART 2  
HUMAN RESOURCES"**

**NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Grays Harbor dredging (88-3-006)

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

(a) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this reappropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being appropriated for the project.

(c) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (b) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (b) of this section, shall be used to reimburse or replace state building construction account moneys.

**Reappropriation:**

St Bldg Constr Acct . . . . .	\$	6,840,318
Prior Biennia (Expenditures) . . . . .	\$	3,159,682
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	10,000,000

(1) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

**Reappropriation:**

St Bldg Constr Acct . . . . .	\$	10,000,000
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**Appropriation:**

St Bldg Constr Acct . . . . .	\$	20,000,000
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Prior Biennia (Expenditures) . . . . .	\$	8,000,000
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	38,000,000
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(2) Columbia county courthouse (89-4-004)

The reappropriation in this subsection is provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct . . . . .</b>	<b>\$ 600,000</b>
<b>Appropriation:</b>	
<b>St Bldg Constr Acct . . . . .</b>	<b>\$ 60,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
<b>TOTAL . . . . .</b>	<b>\$ 660,000</b>

(3) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5555. If this bill is not enacted by June 30, 1991, this money may be expended for other public works projects approved by the legislature under RCW 43.155.070.

<b>Reappropriation:</b>	
<b>Public Works Assist . . . . .</b>	<b>\$ 85,734,000</b>
<b>Appropriation:</b>	
<b>Public Works Assist . . . . .</b>	<b>\$ 88,491,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 54,534,447
Future Biennia (Projected Costs) . . . . .	\$ 231,877,000
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<b>TOTAL . . . . .</b>	<b>\$ 460,636,447</b>

(4) Seventh Street Hoquiam Theatre (90-2-008)

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct . . . . .</b>	<b>\$ 250,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----
<b>TOTAL . . . . .</b>	<b>\$ 250,000</b>

(5) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils

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

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct . . . . .</b>	<b>\$ 250,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
	-----

TOTAL . . . . . \$ 250,000

(6) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. First priority for funding under this subsection shall be given to the Admiral Theatre in west Seattle.

**Reappropriation:**

St Bldg Constr Acct . . . . .	\$	250,000
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	500,000

(7) Emergency management building minor works (92-2-009)

**Appropriation:**

St Bldg Constr Acct . . . . .	\$	246,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	246,000

(8) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

**Appropriation:**

St Bldg Constr Acct . . . . .	\$	600,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	600,000

(9) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

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

(a) Grants are limited to the following projects:

Total Capital	State Match		
	Cost	State Portion	
Seattle Children's Theatre	\$8,000,000	\$1,200,000	15%
Admiral Theatre (Bremerton)	4,261,000	639,000	15%
Spokane Symphony	1,500,000	225,000	15%
Pacific Northwest Ballet	7,500,000	1,125,000	15%
Seattle Symphony	54,000,000	8,100,000	15%

Seattle Repertory Theatre	4,000,000	600,000	15%
Intiman Theatre	800,000	120,000	15%
Broadway Theatre District (Tacoma)	8,400,000	1,260,000	15%
Allied Arts of Yakima	500,000	75,000	15%
Spokane Art School	454,000	68,000	15%
Seattle Art Museum	4,862,500	729,000	15%
Tears of Joy Theatre	<u>6,000,000</u>	<u>900,000</u>	15%
Total	\$100,277,500	\$15,041,000	

(b) The state grant may provide no more than fifteen percent of the total capital cost of the project, or the state portion percentage listed in (a) of this subsection, whichever is less. The remaining portions of project capital costs shall be matching funds from nonstate sources. The matching funds may include cash and land value.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	11,639,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,402,000
TOTAL . . . . .	\$	15,041,000

- (10) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The matching funds may include cash, land value, and other in-kind contributions.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,000,000

- (11) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	4,500,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	4,500,000

(12) Spokane Food Bank: For construction of a freezer/cooler

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	125,000
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Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	275,000

(13) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	500,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	500,000

(14) Nordic Heritage Museum: For building acquisition and improvements

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	200,000

(15) Thorp Grist Mill: Restoration

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	10,000
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Prior Biennia (Expenditures) . . . . .	\$	20,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	30,000

(16) A Contemporary Theater

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

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	750,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	750,000

(17) Keyport Naval Undersea Museum: To complete an auditorium in the museum

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
Prior Biennia (Expenditures): . . . . .	\$	500,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	800,000

(18) Marcus Whitman statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	53,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	53,000

(19) Mystic Lake flood assistance

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	53,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	53,000

(20) Maritime Museum

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	200,000

(21) Snohomish county drainage district number 6

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	350,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0



TOTAL . . . . . \$ 350,000

(22) Almira and Coulee-Hartline School District building remodel

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

(a) The appropriation shall not be allocated to the Coulee-Hartline school district until written confirmation has been provided to the department from the boards of directors of the two school districts that the moneys will be used to upgrade the Hartline facility for the purpose of implementing a cooperative high school program with the Almira school district under chapter 28A.340 RCW.

(b) The appropriation is contingent on the two school districts contributing matching funds of at least \$100,000.

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>240,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>240,000</b>

(23) Acquisition of property adjacent to Ezra Meeker Mansion in Puyallup

The department shall release funds in consultation with the Washington State Historical Society at such time as the Ezra Meeker Historical Society has secured pledges and contributions for property acquisition and development in the amount of \$200,000.

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>200,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>200,000</b>

(24) Resource Center for the Handicapped

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>1,500,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,500,000</b>

(25) Tacoma educational enrichment center

The appropriation in this subsection is contingent upon a matching contribution of at least \$2,200,000 from the Tacoma school district or other local government entity. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>2,200,000</b>
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,200,000

(26) Yakima criminal justice facility: Grant to the city of Yakima for the construction of a new criminal justice facility  
 The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate an ability to complete the construction of the facility and fund the operation of the new facility.

(b) The grant shall not exceed sixty-six percent of the total project cost as determined by the department.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,000,000

(27) Enumclaw performing arts center: For construction and building improvements  
 The appropriation in this subsection is provided solely for a grant to the city of Enumclaw for the construction of the Enumclaw performing arts center. No funds shall be expended until voter-approved bond authorization is provided as local matching funds.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Prior biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000

(28) Bonney Lake Park: Grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake  
 The appropriation in this subsection is subject to a match of equal value from nonstate sources.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	35,000
Prior biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	35,000

**NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

(1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)

**Reappropriation:**

L & I Constr Acct. . . . .	\$	44,700,000
----------------------------	----	------------

Prior Biennia (Expenditures) . . . . .	\$	18,300,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	63,000,000

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

- (1) Rainier: Renovate Evergreen Center (79-1-017)
- Reappropriation:**
- |                                    |    |         |
|------------------------------------|----|---------|
| St Bldg Constr Acct. . . . .       | \$ | 200,000 |
| DSHS Constr Acct. . . . .          | \$ | 119,477 |
|                                    |    | -----   |
| Subtotal Reappropriation . . . . . | \$ | 319,477 |
- 
- |  |    |           |
|--|----|-----------|
| Prior Biennia (Expenditures) . . . . .     | \$ | 4,230,523 |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
|  |    | -----     |
| TOTAL . . . . .                            | \$ | 4,550,000 |
- 
- (2) Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)
- Reappropriation:**
- |                                 |    |         |
|---------------------------------|----|---------|
| Hndcp Fac Constr Acct . . . . . | \$ | 253,531 |
|---------------------------------|----|---------|
- 
- |  |    |         |
|--|----|---------|
| Prior Biennia (Expenditures) . . . . .     | \$ | 33,371  |
| Future Biennia (Projected Costs) . . . . . | \$ | 0       |
|  |    | -----   |
| TOTAL . . . . .                            | \$ | 286,902 |
- 
- (3) Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)
- Reappropriation:**
- |                              |    |         |
|------------------------------|----|---------|
| St Bldg Constr Acct. . . . . | \$ | 130,000 |
|------------------------------|----|---------|
- 
- |  |    |         |
|--|----|---------|
| Prior Biennia (Expenditures) . . . . .     | \$ | 0       |
| Future Biennia (Projected Costs) . . . . . | \$ | 0       |
|  |    | -----   |
| TOTAL . . . . .                            | \$ | 130,000 |
- 
- (4) Western State Hospital: Sanitary sewer (88-2-400)
- Reappropriation:**
- |                              |    |         |
|------------------------------|----|---------|
| St Bldg Constr Acct. . . . . | \$ | 200,000 |
|------------------------------|----|---------|
- 
- |  |    |           |
|--|----|-----------|
| Prior Biennia (Expenditures) . . . . .     | \$ | 2,109,238 |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
|  |    | -----     |
| TOTAL . . . . .                            | \$ | 2,309,238 |
- 
- (5) Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)
- Reappropriation:**
- |                              |    |   |
|------------------------------|----|---|
| St Bldg Constr Acct. . . . . | \$ | 2 |
|------------------------------|----|---|
- 
- |  |    |   |
|--|----|---|
| Prior Biennia (Expenditures) . . . . . | \$ | 0 |
|--|----|---|

	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,964,000
(6)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>6,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	192,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	6,192,000
(7)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>2,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,510,400
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,510,400
(8)	Minor capital renewal: Utilities and facilities (90-2-001)		
	<b>Reappropriation:</b>		
	<b>CEP &amp; RI Acct</b> . . . . .	\$	<b>250,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	500,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	750,000
(9)	Minor capital renewal: Roads and grounds (90-2-002)		
	<b>Reappropriation:</b>		
	<b>CEP &amp; RI Acct</b> . . . . .	\$	<b>250,000</b>
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>50,000</b>
	Subtotal Reappropriation . . . . .	\$	300,000
	Prior Biennia (Expenditures) . . . . .	\$	698,868
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	998,868
(10)	Minor capital renewal: Roofs (90-2-003)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>150,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	692,268
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	842,268
(11)	Minor capital renewal: Fire and safety (90-1-004)		
	<b>Reappropriation:</b>		

CEP & RI Acct . . . . .	\$	250,000
St Bldg Constr Acct. . . . .	\$	200,000
		-----
Subtotal Reappropriation . . . . .	\$	450,000
Prior Biennia (Expenditures). . . . .	\$	841,611
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,291,611

(12) Minor capital renewal: Hazardous substance (90-1-005)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	100,000
St Bldg Constr Acct. . . . .	\$	50,000
		-----
Subtotal Reappropriation . . . . .	\$	150,000
Prior Biennia (Expenditures). . . . .	\$	700,978
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	850,978

(13) Emergency capital repairs (90-1-007)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	25,000
Prior Biennia (Expenditures). . . . .	\$	444,578
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	469,578

(14) Small repairs and improvements (90-2-008)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	50,000
Prior Biennia (Expenditures). . . . .	\$	140,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	190,000

(15) Minor projects: Bureau of alcohol (90-2-010)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	350,000
Prior Biennia (Expenditures). . . . .	\$	92,400
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	442,400

(16) Minor projects: Juvenile rehabilitation division (90-2-020)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	200,000
St Bldg Constr Acct. . . . .	\$	25,000
		-----

Subtotal Reappropriation . . . . .	\$	225,000
Prior Biennia (Expenditures) . . . . .	\$	285,781
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	510,781
 (17) Minor projects: Mental health division (90-2-030)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	575,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	775,000
 (18) Minor projects: Mental health division (90-2-032)		
<b>Reappropriation:</b>		
CEP & RI Acct . . . . .	\$	65,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	65,000
 (19) Snohomish county: Mental health evaluation and treatment facility (90-2-033)		

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

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	200,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,000,000

(20) Minor projects: Developmental disabilities division (90-2-040)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>250,000</b>
Prior Biennia (Expenditures) . . . . .	\$	484,222
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	<b>734,222</b>
(21) Minor capital renewal, mental health (90-2-060)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>500,000</b>
Prior Biennia (Expenditures) . . . . .	\$	500,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	<b>1,000,000</b>
(22) Child care facilities (90-2-300)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>350,000</b>
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	<b>600,000</b>
(23) Eastern State: Electrical distribution system (90-2-345)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>600,000</b>
Prior Biennia (Expenditures) . . . . .	\$	771,600
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	<b>1,371,600</b>
(24) Lakeland Village: Steam plant replacement (90-2-425)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>2,500,000</b>
Prior Biennia (Expenditures) . . . . .	\$	1,063,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	<b>3,563,000</b>
(25) Preplanning (90-4-009)		

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

<b>Reappropriation:</b>		
<b>CEP &amp; RI Acct</b> . . . . .	\$	<b>50,000</b>

	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	273,300
	Prior Biennia (Expenditures) . . . . .	\$	141,400
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	464,700
(26)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,100,000
	Prior Biennia (Expenditures) . . . . .	\$	156,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,256,000
(27)	Echo Glen: Perimeter fence (90-5-002)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	850,000
	Prior Biennia (Expenditures) . . . . .	\$	106,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	956,000
(28)	Fircrest: Food bank facility (90-5-011)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	288,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	788,000
(29)	Minor capital renewal fire safety (92-1-004)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	742,066
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,783,600
	TOTAL . . . . .	\$	2,525,666
(30)	Minor capital renewal utility and facility (92-2-001)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	750,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,856,500
	TOTAL . . . . .	\$	2,606,500
(31)	Minor capital renewal roads and grounds (92-2-002)		



**Appropriation:**

CEP & RI Acct . . . . .	\$	961,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,525,600
TOTAL . . . . .	\$	2,487,400

(32) Minor capital renewal roofs (92-2-003)

**Appropriation:**

CEP & RI Acct . . . . .	\$	819,813
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,969,900
TOTAL . . . . .	\$	2,789,713

(33) Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)

**Appropriation:**

CEP & RI Acct . . . . .	\$	359,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	663,900
TOTAL . . . . .	\$	1,022,900

(34) Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)

**Appropriation:**

CEP & RI Acct . . . . .	\$	250,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	538,100
TOTAL . . . . .	\$	788,100

(35) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)

**Appropriation:**

CEP & RI Acct . . . . .	\$	145,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	618,000
TOTAL . . . . .	\$	763,000

(36) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	13,669,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	13,669,000

- (37) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	7,578,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	7,578,000

- (38) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

**Appropriation:**

CEP & RI Acct . . . . .	\$	192,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	430,500
TOTAL . . . . .	\$	622,500

- (39) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)

**Appropriation:**

CEP & RI Acct . . . . .	\$	300,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	300,000

- (40) Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)

**Appropriation:**

CEP & RI Acct . . . . .	\$	758,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,849,731
TOTAL . . . . .	\$	2,607,731

- (41) Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation,

window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)

**Appropriation:**

CEP & RI Acct . . . . .	\$	1,317,200
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,656,600
		-----
TOTAL . . . . .	\$	3,973,800

- (42) Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)

**Appropriation:**

CEP & RI Acct . . . . .	\$	912,400
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,472,000
		-----
TOTAL . . . . .	\$	2,384,400

- (43) Maple Lane: To add sixty-four new level 1 security beds (92-2-225)  
The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	6,715,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	6,715,800

- (44) Maple Lane: To add forty-seven new level 2 security beds (92-2-230)  
The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,107,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,107,000

- (45) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,642,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	2,642,300
(46)	Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)		
	<b>Appropriation:</b>		
	<b>CEP &amp; RI Acct . . . . .</b>	\$	<b>292,800</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	473,500
	TOTAL . . . . .	\$	766,300
(47)	Resource conservation: For energy and water conservation projects (92-4-006)		
	<b>Appropriation:</b>		
	<b>CEP &amp; RI Acct . . . . .</b>	\$	<b>561,100</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	442,600
	TOTAL . . . . .	\$	1,003,700
(48)	Peninsula Lodge renovation: To renovate the building on the Frances Hadden Morgan complex for a youth drug treatment center		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500,000
(49)	Washington Institute for Mental Illness Research at Western State Hospital		
	<b>Appropriation:</b>		
	<b>CEP &amp; RI . . . . .</b>	\$	<b>700,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	700,000
	<b>NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF HEALTH</b>		
(1)	Referendum 38: Water bonds (86-2-099)		
	<b>Reappropriation:</b>		
	<b>Improv-Water Supply . . . . .</b>	\$	<b>6,100,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	6,100,000
(2)	Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>1,200,000</b>

	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	18,500,000
			<hr/>
	TOTAL . . . . .	\$	19,700,000
(3)	Consolidated request: Emergency repairs (92-2-002)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	49,560
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	49,560
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit at the public health laboratory (92-2-003)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	88,427
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	88,427
(5)	Consolidated request: Small repairs and improvements (92-2-004)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	49,560
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	49,560
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	297,124
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	297,124
(7)	Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)		
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	176,208
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			<hr/>
	TOTAL . . . . .	\$	176,208

(8) Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)

**Appropriation:**

CEP & RI Acct . . . . .	\$	92,509
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	92,509

(9) Energy management system, phase 3 (92-4-006)

**Appropriation:**

CEP & RI Acct . . . . .	\$	99,117
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	99,117

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF VETERANS'

**AFFAIRS**

(1) Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the veterans' home (88-1-014)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	45,000
<b>Appropriation:</b>		
CEP & RI Acct . . . . .	\$	435,570

Prior Biennia (Expenditures) . . . . .	\$	349,440
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	830,010
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(2) Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	50,000
<b>Appropriation:</b>		
CEP & RI Acct . . . . .	\$	304,129

Prior Biennia (Expenditures) . . . . .	\$	100,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	454,129
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(3) Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	281,000
<b>Appropriation:</b>		
CEP & RI Acct . . . . .	\$	277,951

Prior Biennia (Expenditures) . . . . .	\$	313,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	871,951

(4) Design and renovate Garfield (90-5-012)

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes. In addition, the appropriation in this subsection may not be expended until the department has studied the appropriateness and the costs and benefits of Medicaid certification for its existing facilities and has reported the results of this study to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

CEP & RI Acct-Federal . . . . .	\$	2,878,000
CEP & RI Acct . . . . .	\$	1,550,000
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Subtotal Appropriation . . . . .	\$	4,428,000
Prior Biennia (Expenditures) . . . . .	\$	35,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	4,463,000

(5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)

**Appropriation:**

CEP & RI Acct . . . . .	\$	60,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	353,784
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TOTAL . . . . .	\$	413,784

(6) Contingency for emergency repairs (92-2-002)

**Appropriation:**

CEP & RI Acct . . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	150,000

(7) Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)

**Appropriation:**

CEP & RI Acct . . . . .	\$	307,282
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	307,282

- (8) Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)

**Appropriation:**

CEP & RI Acct . . . . .	\$	121,111
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	121,111

- (9) Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)

**Appropriation:**

CEP & RI Acct . . . . .	\$	299,592
Prior Biennia (Expenditures) . . . . .	\$	88,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	387,592

- (10) Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)

**Appropriation:**

CEP & RI Acct . . . . .	\$	13,414
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	145,605
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TOTAL . . . . .	\$	159,019

- (11) Steam distribution study (92-2-024)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	22,200
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**Appropriation:**

CEP & RI Acct . . . . .	\$	3,409
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,117,406
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TOTAL . . . . .	\$	1,143,015

- (12) Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)

**Appropriation:**

CEP & RI Acct . . . . .	\$	134,000
Prior Biennia (Expenditures) . . . . .	\$	0



Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	134,000

(13) Minor works: Covered walkway (92-5-008)

**Appropriation:**

CEP & RI Acct . . . . .	\$	38,038
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	38,038

(14) Preplanning for an Eastern Washington Veteran's Health Service Center, including analysis of potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation

In assessing the need for a facility, the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
- (b) Rehabilitation and therapy that, upon completion, allow the veterans to return to or remain in the home or an alternative community living situation;
- (c) Alzheimers disease care;
- (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
- (e) Assisted living;
- (f) Temporary living quarters for homeless veterans;
- (g) Adult daycare;
- (h) Referral and coordination of services for veterans in their communities; and
- (i) Residential nursing care for functionally disabled veterans.

**Appropriation:**

CEP & RI Acct . . . . .	\$	148,492
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	148,492

**NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF CORRECTIONS**

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

- (a) The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.
- (b) If enacted by June 30, 1991, the contracting methods authorized by Engrossed Substitute House Bill No. 1777 may be employed by the department of corrections in constructing the eligible projects contained in this section.

(1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,800,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	9,687,000
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Prior Biennia (Expenditures) . . . . .	\$	19,513,213
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Future Biennia (Projected Costs) . . . . .	\$	9,281,500
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TOTAL . . . . .	\$	40,281,713
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- (2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,300,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,609,000
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Prior Biennia (Expenditures) . . . . .	\$	11,536,721
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Future Biennia (Projected Costs) . . . . .	\$	4,274,000
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TOTAL . . . . .	\$	18,719,721
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- (3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	4,800,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,230,500
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Prior Biennia (Expenditures) . . . . .	\$	2,084,319
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Future Biennia (Projected Costs) . . . . .	\$	4,780,000
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TOTAL . . . . .	\$	14,894,819
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- (4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	600,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,922,500
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Prior Biennia (Expenditures) . . . . .	\$	5,500,879
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Future Biennia (Projected Costs) . . . . .	\$	3,737,000
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TOTAL . . . . .	\$	11,760,379
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- (5) McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 2,000,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 2,040,000
Prior Biennia (Expenditures). . . . .	\$ 6,184,008
Future Biennia (Projected Costs) . . . . .	\$ 3,805,000
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TOTAL . . . . .	\$ 14,029,008

- (6) State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin Rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 300,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 2,298,000
Prior Biennia (Expenditures). . . . .	\$ 1,013,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 3,611,000

- (7) State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin Rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 700,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 1,731,000
Prior Biennia (Expenditures). . . . .	\$ 661,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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TOTAL . . . . .	\$ 3,092,000

- (8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 27,000,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 37,126,000

Prior Biennia (Expenditures) . . . . .	\$	5,012,222
Future Biennia (Projected Costs) . . . . .	\$	12,708,000
TOTAL . . . . .	\$	81,846,222

- (9) Prerelease facility development: To plan a prerelease facility in western Washington

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	167,000
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Prior Biennia (Expenditures) . . . . .	\$	415,391
Future Biennia (Projected Costs) . . . . .	\$	7,374,000

TOTAL . . . . .	\$	7,956,391
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- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	800,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,388,000
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Prior Biennia (Expenditures) . . . . .	\$	815,000
Future Biennia (Projected Costs) . . . . .	\$	7,709,000

TOTAL . . . . .	\$	12,712,000
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- (11) Hazardous materials management (90-1-004)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
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Prior Biennia (Expenditures) . . . . .	\$	79,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . .	\$	279,000
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- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	600,000
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Prior Biennia (Expenditures) . . . . .	\$	1,052,000
Future Biennia (Projected Costs) . . . . .	\$	1,183,000

TOTAL . . . . .	\$	2,835,000
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- (13) State-wide minor projects (90-1-009)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	900,000
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St Bldg Constr Acct. . . . .	\$	1,300,000
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Subtotal Appropriation. . . . .	\$	2,200,000
Prior Biennia (Expenditures). . . . .	\$	3,149,000
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL. . . . .	\$	5,349,000

(14) State-wide small repairs and improvements (90-1-010)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
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Prior Biennia (Expenditures). . . . .	\$	456,000
Future Biennia (Projected Costs) . . . . .	\$	0

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TOTAL. . . . .	\$	756,000

(15) State-wide emergency repair projects (90-1-013)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	50,000
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**Appropriation:**

CEP & RI Acct . . . . .	\$	750,000
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Prior Biennia (Expenditures). . . . .	\$	700,000
Future Biennia (Projected Costs) . . . . .	\$	750,000

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TOTAL. . . . .	\$	2,250,000

(16) New regional camps (three 400-bed camps) (90-2-001)

\$15,167,000 of the amount appropriated in this subsection is provided for implementation of the master plan at the Washington Corrections Center for Women in lieu of one of the three camps.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	45,500,000
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Prior Biennia (Expenditures). . . . .	\$	1,405,000
Future Biennia (Projected Costs) . . . . .	\$	0

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TOTAL. . . . .	\$	46,905,000

(17) Washington State Penitentiary: For minimum security unit double bunking (90-2-003)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,050,000
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Prior Biennia (Expenditures). . . . .	\$	160,000
Future Biennia (Projected Costs) . . . . .	\$	0

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TOTAL. . . . .	\$	1,210,000

(18) Forestry camp expansion (90-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 2,350,000</b>
	<b>Drug Enf &amp; Ed Acct. . . . .</b>	<b>\$ 5,900,000</b>
	Subtotal Reappropriation . . . . .	8,250,000
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 3,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 3,266,000
	Future Biennia (Projected Costs) . . . . .	0
	TOTAL . . . . .	14,516,000
(19)	Twin Rivers Corrections Center: Double bunking (90-2-004)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 2,500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 481,000
	Future Biennia (Projected Costs) . . . . .	0
	TOTAL . . . . .	2,981,000
(20)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 1,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 128,000
	Future Biennia (Projected Costs) . . . . .	0
	TOTAL . . . . .	1,128,000
(21)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 600,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 1,138,000
	Future Biennia (Projected Costs) . . . . .	0
	TOTAL . . . . .	1,738,000
(22)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 1,450,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 187,000
	Future Biennia (Projected Costs) . . . . .	0
	TOTAL . . . . .	1,637,000
(23)	New 1,024-bed institution (90-2-008)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 3,700,000</b>
	<b>Appropriation:</b>	

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>93,036,000</b>
Prior Biennia (Expenditures) . . . . .	\$	717,000
Future Biennia (Projected Costs) . . . . .	\$	0
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<b>TOTAL</b> . . . . .	\$	<b>97,453,000</b>

(24) Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)

**Reappropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,100,000</b>
Prior Biennia (Expenditures) . . . . .	\$	113,000
Future Biennia (Projected Costs) . . . . .	\$	0
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<b>TOTAL</b> . . . . .	\$	<b>1,213,000</b>

(25) State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)

**Reappropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>150,000</b>
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>2,631,000</b>
Prior Biennia (Expenditures) . . . . .	\$	1,350,000
Future Biennia (Projected Costs) . . . . .	\$	0
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<b>TOTAL</b> . . . . .	\$	<b>4,131,000</b>

(26) Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)

**Reappropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>23,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	2,301,000
Future Biennia (Projected Costs) . . . . .	\$	0
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<b>TOTAL</b> . . . . .	\$	<b>25,301,000</b>

(27) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>300,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,000,000
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<b>TOTAL</b> . . . . .	\$	<b>1,300,000</b>

(28) State-wide minor projects: For projects less than \$500,000 pertaining to life/safety code compliance, property protection, or essential program support (92-1-012)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,976,000
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TOTAL . . . . .	\$	9,976,000

(29) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	497,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	497,000

(30) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)

The appropriation in this subsection is subject to the following conditions and limitations: Pellet fuels shall be the primary fuel source.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,164,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	2,164,000

(31) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,443,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,443,000

(32) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	888,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	888,000

(33) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)



**Appropriation:**

St Bldg Constr Acct. . . . .	\$	729,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	729,000

- (34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,084,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,084,000

- (35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventive maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	325,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	325,000

- (36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,426,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,426,000

**"PART 3  
NATURAL RESOURCES"**

**NEW SECTION. Sec. 16. FOR THE WASHINGTON STATE ENERGY OFFICE**

- (1) Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,729,400
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**Appropriation:**

<b>Energy Eff Constr Acct . . . . .</b>	<b>\$</b>	<b>5,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	217,000
Future Biennia (Projected Costs) . . . . .	\$	6,946,400
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>13,892,800</b>

(2) Energy partnership services: For project start-up

<b>Appropriation:</b>		
<b>Energy Eff Svcs Acct . . . . .</b>	<b>\$</b>	<b>1,100,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,100,000</b>

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

(1) Referendum 26: Waste disposal facilities (74-5-004)

<b>Reappropriation:</b>		
<b>LIRA, Waste Disp Fac . . . . .</b>	<b>\$</b>	<b>15,660,673</b>
Prior Biennia (Expenditures) . . . . .	\$	8,093,028
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>23,753,701</b>

(2) Referendum 38: Water supply facilities (74-5-006)

<b>Reappropriation:</b>		
<b>LIRA, Water Sup Fac . . . . .</b>	<b>\$</b>	<b>26,744,618</b>
Prior Biennia (Expenditures) . . . . .	\$	2,466,576
Future Biennia (Projected Costs) . . . . .	\$	29,763,000
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>58,974,194</b>

(3) State emergency water project revolving account (76-5-003)

<b>Reappropriation:</b>		
<b>Emerg Water Proj Rev Acct . . . . .</b>	<b>\$</b>	<b>7,599,337</b>
<b>Appropriation:</b>		
<b>Emerg Water Proj Rev Acct . . . . .</b>	<b>\$</b>	<b>1,343,929</b>
Prior Biennia (Expenditures) . . . . .	\$	16,586,284
Future Biennia (Projected Costs) . . . . .	\$	224,761
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>25,754,311</b>

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

The appropriations in this subsection are subject to the following conditions and limitations: No expenditure shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

LIRA, Waste Disp Fac . . . . .	\$ 44,450,000
<b>Appropriation</b>	
LIRA, Waste Disp Fac . . . . .	\$ 17,148,000

Prior Biennia (Expenditures) . . . . .	\$ 401,402,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 463,000,000

(5) Water quality account (86-5-007)

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

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

- (i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;
- (ii) Give second priority to projects that reduce combined sewer overflows; and
- (iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations apply to the department's total distribution of funds appropriated under this subsection:

- (i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;
- (ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers, with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;
- (iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (b)(i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection (5)(d)

represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025. If the bill is not enacted by June 30, 1991, the director of the department shall coordinate with the department of community development, the office of financial management, the department of health, and the Puget Sound water quality authority as well as other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee a detailed work plan, budget, and schedule for completion of the evaluation.

**Reappropriation:**

Water Quality Acct . . . . . \$ 134,422,504

**Appropriation:**

Water Quality Acct . . . . . \$ 85,607,310

Prior Biennia (Expenditures) . . . . . \$ 53,036,533

Future Biennia (Projected Costs) . . . . . \$ 157,835,000

TOTAL . . . . . \$ 430,901,347

(6) Methow Basin Water Conservation

This appropriation shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Appropriation:**

St Bldg Constr Acct . . . . . \$ 400,000

LIRA, Water Sup Fac . . . . . \$ 800,000

Subtotal Appropriation . . . . . \$ 1,200,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,200,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for

programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

<b>Reappropriation:</b>	
Local Toxics Control . . . . .	\$ 27,653,297
<b>Appropriation:</b>	
Local Toxics Control . . . . .	\$ 59,183,607
Prior Biennia (Expenditures). . . . .	\$ 18,467,142
Future Biennia (Projected Costs) . . . . .	\$ 106,984,641
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TOTAL . . . . .	\$ 212,288,687

**NEW SECTION. Sec. 18. FOR THE STATE PARKS AND RECREATION COMMISSION**

(1)	Yakima sportsman: Yakima greenway acquisition (81-3-098)		
	<b>Reappropriation:</b>		
	ORA-State . . . . .	\$	50,000
	Prior Biennia (Expenditures). . . . .	\$	25,279
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	75,279
(2)	State-wide: Water supply facilities (86-1-002)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures). . . . .	\$	1,035,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,065,000
(3)	State-wide: Sewage treatment facilities (86-1-003)		
	<b>Reappropriation:</b>		
	LIRA, Waste Fac 1980 . . . . .	\$	128,000
	ORA-Federal . . . . .	\$	20,007
	ORA-State . . . . .	\$	22,000
			-----
	Subtotal Reappropriation . . . . .	\$	170,000
	Prior Biennia (Expenditures). . . . .	\$	148,538
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	318,545
(4)	State-wide: Boating improvements (86-3-005)		
	<b>Reappropriation:</b>		
	ORA-Federal . . . . .	\$	36,700
	ORA-State . . . . .	\$	42,500
			-----
	Subtotal Reappropriation . . . . .	\$	79,200
	Prior Biennia (Expenditures). . . . .	\$	2,404

	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	81,604
(5)	State-wide: Landscape repairs (86-1-026)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	10,000
	Prior Biennia (Expenditures) . . . . .	\$	70,689
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	80,689
(6)	West Hylebos: Acquisition and development (86-4-013)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	5,498
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	195,498
(7)	Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovation of mountain lake dam (89-1-110)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	140,000
	Prior Biennia (Expenditures) . . . . .	\$	161,265
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	301,265
(8)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	279,000
	<b>ORA-Federal</b> . . . . .	\$	170,000
	<b>ORA-State</b> . . . . .	\$	158,000
	Subtotal Reappropriation . . . . .	\$	607,000
	Prior Biennia (Expenditures) . . . . .	\$	656,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	1,263,000
(9)	Auburn game farm: Development (87-3-012)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	235,000
	Prior Biennia (Expenditures) . . . . .	\$	271,085
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	526,085

(10) Green river gorge: Phased acquisition (87-5-010)	
<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 140,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 123,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	<u>\$ 263,000</u>
(11) Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)	
<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 150,000</b>
<b>Improv-Water Supply.</b> . . . . .	<b>\$ 100,000</b>
Subtotal Reappropriation . . . . .	\$ 250,000
Prior Biennia (Expenditures) . . . . .	\$ 672,305
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	<u>\$ 922,305</u>
(12) State-wide: Sewer facilities (88-1-007)	
<b>Reappropriation:</b>	
<b>LIRA, Waste Fac 1980</b> . . . . .	<b>\$ 75,000</b>
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 25,000</b>
Subtotal Reappropriation . . . . .	\$ 100,000
Prior Biennia (Expenditures) . . . . .	\$ 81,499
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	<u>\$ 181,499</u>
(13) State-wide: Boat pumpout facilities (88-1-009)	
<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 267,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 146,762
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	<u>\$ 413,762</u>
(14) Ocean City: Municipal sewer connection (88-1-010)	
<b>Reappropriation:</b>	
<b>LIRA, Waste Fac 1980</b> . . . . .	<b>\$ 150,000</b>
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 80,000</b>
Subtotal Reappropriation . . . . .	\$ 230,000
Prior Biennia (Expenditures) . . . . .	\$ 133,374
Future Biennia (Projected Costs) . . . . .	\$ 0
	<u>-----</u>

	TOTAL . . . . .	\$	363,374
(15)	State-wide: Boat traffic control (88-1-013)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	20,000
	Prior Biennia (Expenditures) . . . . .	\$	12,613
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	32,613
(16)	Saint Edward: Light entrance trail and comfort station (88-1-041)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	210,000
	Prior Biennia (Expenditures): . . . . .	\$	12,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	222,000
(17)	State-wide: Boating facilities (88-2-011)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	20,000
	Prior Biennia (Expenditures) . . . . .	\$	91,263
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	111,263
(18)	State-wide: Boating facilities (88-2-012)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	100,000
	Prior Biennia (Expenditures) . . . . .	\$	374,736
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	474,736
(19)	State-wide: Park facility renovation (88-2-025)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	30,000
	<b>LIRA, Public Rec Fac</b> . . . . .	\$	17,000
	Subtotal Reappropriation . . . . .	\$	47,000
	Prior Biennia (Expenditures) . . . . .	\$	209,146
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	256,146
(20)	Camp Wooten: Comfort station (88-2-041)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	50,000



Prior Biennia (Expenditures) . . . . .	\$	107,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	157,000

(21) Camano Island: Point Lowell road relocation (88-3-043)

**Reappropriation:**

Motor Vehicle Acct . . . . .	\$	580,000
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Prior Biennia (Expenditures) . . . . .	\$	141,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	721,000

(22) Maryhill: Development (88-5-035)

Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	930,000
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Prior Biennia (Expenditures) . . . . .	\$	146,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,076,000

(23) Ocean beaches: Acquisition of ocean beaches (88-5-036)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	430,000
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Prior Biennia (Expenditures) . . . . .	\$	24,503
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	454,503

(24) Crystal Falls: Acquisition and development (88-5-057)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	25,000
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Prior Biennia (Expenditures) . . . . .	\$	3,799
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	28,799

(25) Blake Island: Fire protection system (89-1-050)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	108,000
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Prior Biennia (Expenditures) . . . . .	\$	10,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	118,000

(26) State-wide: Water supply and irrigation (89-1-101)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>190,000</b>
Prior Biennia (Expenditures) . . . . .	\$	85,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	275,000
(27) State-wide: Sanitary facilities (89-1-102)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>150,000</b>
Prior Biennia (Expenditures) . . . . .	\$	2,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	152,000
(28) Electrical code compliance: To complete electrical code compliance projects (89-1-103)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>140,000</b>
<b>ORA-State . . . . .</b>	<b>\$</b>	<b>45,000</b>
Subtotal Reappropriation . . . . .	\$	185,000
Prior Biennia (Expenditures) . . . . .	\$	109,700
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	394,700
(29) Moran: Renovate mountain lake dam (89-1-110)		
<b>Reappropriation: . . . . .</b>	<b>\$</b>	<b>40,000</b>
Prior Biennia (Expenditures) . . . . .	\$	104,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	144,000
(30) State-wide: Compliance with safe drinking water act (89-1-116)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>280,000</b>
Prior Biennia (Expenditures) . . . . .	\$	161,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	441,000
(31) Camp Wooten: Sewage system renovation, phase 2 (89-1-122)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>40,000</b>
Prior Biennia (Expenditures) . . . . .	\$	98,000

Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	138,000
 (32) Sacajawea: Modify river floats (89-1-129)		
<b>Reappropriation:</b>		
ORA-State . . . . .	\$	190,000
Prior Biennia (Expenditures) . . . . .	\$	2,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	192,000
 (33) State-wide: Boating and marine construction (89-2-106)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	135,000
ORA-State . . . . .	\$	545,000
Subtotal Reappropriation . . . . .	\$	680,000
Prior Biennia (Expenditures) . . . . .	\$	173,300
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	853,300
 (34) State-wide: General construction (89-2-107)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	410,000
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	560,000
 (35) State-wide: General construction (89-2-109)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	185,000
Prior Biennia (Expenditures) . . . . .	\$	34,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	219,000
 (36) Westhaven: Comfort station replacement (89-2-119)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	23,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	423,000
 (37) Lake Sammamish: Boat launch repairs (89-2-139)		
<b>Reappropriation:</b>		

	<b>ORA-State</b> . . . . .	\$	<b>100,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	14,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>114,000</b>
(38)	State-wide: Site and environmental protection (89-3-104)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>280,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	20,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>300,000</b>
(39)	State-wide: Acquisition (89-3-105)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>65,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	50,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>115,000</b>
(40)	State-wide: Weatherproofing (89-3-108)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>83,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	84,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>167,000</b>
(41)	Fort Worden: Rebuild boat launch breakwater (89-3-135)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	<b>300,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	15,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>315,000</b>
(42)	Larrabee: Development (89-5-002)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>315,000</b>
	<b>ORA-Federal</b> . . . . .	\$	<b>140,540</b>
	<b>Subtotal Reappropriation</b> . . . . .	\$	<b>455,540</b>
	Prior Biennia (Expenditures) . . . . .	\$	25,350
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>480,890</b>

(43) Spokane Centennial Trail: Acquisition and initial development (89-5-112)		
<b>Reappropriation:</b>		
General Fund-Federal . . . . .	\$	3,500,000
St Bldg Constr Acct. . . . .	\$	107,000
ORA-Federal . . . . .	\$	119,000
		-----
Subtotal Reappropriation . . . . .	\$	3,926,000
Prior Biennia (Expenditures) . . . . .	\$	3,883,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	7,809,000
(44) Fort Casey: Acquire Keystone Spit, phase 2 (89-5-113)		
<b>Reappropriation:</b>		
ORA-Federal . . . . .	\$	103,000
Prior Biennia (Expenditures) . . . . .	\$	302,693
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	405,693
(45) Belfair: Acquisition, phase 2 (89-5-114)		
<b>Reappropriation:</b>		
ORA-Federal . . . . .	\$	27,000
Prior Biennia (Expenditures) . . . . .	\$	221,805
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	248,805
(46) Fort Canby: Initial development, Beard's Hollow (89-5-115)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	270,000
Prior Biennia (Expenditures) . . . . .	\$	19,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	289,000
(47) Ocean beaches access: Comfort station and parking areas (89-5-120)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	298,000
ORA-Federal . . . . .	\$	316,000
		-----
Subtotal Reappropriation . . . . .	\$	614,000
Prior Biennia (Expenditures) . . . . .	\$	42,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	656,000
(48) Spokane Centennial Trail: Initial development, the islands (89-5-166)		

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	233,000
Prior Biennia (Expenditures) . . . . .	\$	17,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	250,000

(49) Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	765,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	765,000

(50) Snohomish county: Snohomish Centennial Trail (89-5-170)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	852,000
Prior Biennia (Expenditures) . . . . .	\$	248,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,100,000

(51) Dougs Beach: Initial development, windsurfing access (90-1-171)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	120,000

(52) State-wide: Omnibus facility contingency (90-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	239,400
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,232,000
TOTAL . . . . .	\$	1,471,400

(53) State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,900,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	6,000,000
TOTAL . . . . .	\$	7,900,000

(54) State-wide: Emergency and unforeseen needs (91-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	350,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	700,000
TOTAL . . . . .	\$	1,050,000

(55) Iron Horse: John Wayne Trail, tunnel (91-1-005)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	185,000
Prior Biennia (Expenditures) . . . . .	\$	11,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	196,000

(56) Colville Tribes Interpretive Center (90-5-172)

**Reappropriation:**

State General Fund . . . . .	\$	25,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	25,000

(57) Iron Horse: Acquisition and trail safety (91-1-006)

**Reappropriation:**

Trust Land Purchase Acct. . . . .	\$	18,000
Prior Biennia (Expenditures) . . . . .	\$	182,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	200,000

(58) State-wide: Omnibus minor projects, utilities (91-2-004)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,818,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,356,000
TOTAL . . . . .	\$	3,174,300

(59) State-wide: Omnibus minor projects, general construction (91-2-005)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,918,000
Prior Biennia (Expenditures) . . . . .	\$	0

	Future Biennia (Projected Costs) . . . . .	\$	5,342,000
	TOTAL . . . . .	\$	7,260,000
(60)	Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	968,500
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	968,500
(61)	Triton Cove: Renovation (91-2-008)		
	<b>Appropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	582,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	582,000
(62)	State-wide: Omnibus minor works, boating and marine construction (91-2-009)		
	<b>Appropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	379,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	TOTAL . . . . .	\$	2,379,000
(63)	Yakima: Acquisition, phased project (91-5-028)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	152,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	152,000
(64)	Haley property: Initial development (91-5-030)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	500,000
(65)	Rasar: Initial development (91-5-032)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0



Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	500,000
 (66) Colbert House: Acquisition of two lots, renovation and preservation (91-5-052)		
<b>Appropriation:</b>		
<b>ORA-Federal</b> . . . . .	\$	<b>57,000</b>
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	57,000
 (67) Lake Isabella: Acquisition, phase 2 (91-5-065)		
<b>Appropriation:</b>		
<b>ORA-Federal</b> . . . . .	\$	<b>335,000</b>
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	335,000
 (68) Ocean beaches: Ocean beach access development (91-5-069)		
<b>Appropriation:</b>		
<b>ORA-Federal</b> . . . . .	\$	<b>100,000</b>
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000
 (69) Ocean beaches: Ocean beach access development (91-5-076)		
<b>Appropriation:</b>		
<b>ORA-Federal</b> . . . . .	\$	<b>281,000</b>
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	281,000
 (70) Steamboat Rock: Random camp area, Jones Bay (95-2-182)		
<b>Reappropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>143,000</b>
Prior Biennia (Expenditures). . . . .	\$	8,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	151,000
 (71) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across from Mount Si that when connected with other publicly owned land will help to obtain a continuous green belt and recreation area from Snoqualmie Pass to Puget Sound		

The appropriation in this subsection shall be matched by \$3,500,000 from other sources provided for the same purpose.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,000,000

(72) St. Edward: New gutters and drops

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	26,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	26,000

(73) St. Edward: Gym renovation and parking expansion

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	665,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	665,000

(74) Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	360,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	700,000
		-----
TOTAL . . . . .	\$	1,060,000

(75) Washington State International Equestrian Center at Lewis and Clark state park

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000

**NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

(1) Grants to public agencies (90-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	498,000
ORA-Federal . . . . .	\$	637,000
ORA-State . . . . .	\$	1,911,000
Firearms Range Acct . . . . .	\$	405,000

Subtotal Reappropriation . . . . .	\$	3,451,000
Prior Biennia (Expenditures) . . . . .	\$	6,254,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	9,705,000

(2) Wildlife conservation and recreation (90-5-002)

<b>Reappropriation:</b>		
ORA-State . . . . .	\$	22,000,000
Habitat Conservation Acct. . . . .	\$	21,830,000
		-----
Subtotal Reappropriation . . . . .	\$	43,830,000
Prior Biennia (Expenditures) . . . . .	\$	9,170,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	53,000,000

(3) Grants to public agencies (92-2-001)

The appropriations in this subsection are subject to the following conditions and limitations: \$150,000 of the outdoor recreation account-state appropriation may be used to update the off-road vehicle guide.

<b>Appropriation:</b>		
General Fund-State . . . . .	\$	660,000
ORA-Federal . . . . .	\$	2,000,000
ORA-State . . . . .	\$	7,750,000
Firearms Range Acct . . . . .	\$	222,000
		-----
Subtotal Appropriation . . . . .	\$	10,632,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	21,764,000
		-----
TOTAL . . . . .	\$	32,396,000

(4) Washington wildlife recreation program: Grants to state agencies

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

(a) When purchasing critical habitat lands east of the cascade crest, the Washington department of wildlife may only purchase noncontiguous parcels of fewer than one hundred acres, with the exception that the department may purchase larger parcels in the Methow Valley for protection of the state's largest migratory mule deer route.

(b) \$138,000 of the outdoor recreation account may be used for additional program staff for administration.

<b>Appropriation:</b>		
ORA-State . . . . .	\$	12,500,000
Habitat Conservation Acct. . . . .	\$	19,722,000

Subtotal Appropriation. . . . .	\$	32,222,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	64,444,000
		-----
TOTAL . . . . .	\$	96,666,000

(5) Washington wildlife recreation program: Grants to local governments

<b>Appropriation:</b>		
ORA-State . . . . .	\$	12,500,000
Habitat Conservation Acct. . . . .	\$	5,278,000
		-----
Subtotal Appropriation. . . . .	\$	17,778,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	35,556,000
		-----
TOTAL . . . . .	\$	53,334,000

(6) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	1,750,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,750,000

(7) For Seattle-King county playing fields

The appropriation in this subsection is contingent upon matching funds from nonstate sources.

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	250,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	250,000

**NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

(1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under Engrossed Substitute Senate Bill No. 5555. In allocating these funds, the

community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

**Appropriation:**

Pub Fac Constr Loan Rev Acct . . . . .	\$	2,000,000
St Bldg Constr Acct. . . . .	\$	4,000,000
		-----
Subtotal Appropriation. . . . .	\$	6,000,000
Prior Biennia (Expenditures). . . . .	\$	7,429,000
Future Biennia (Projected Costs). . . . .	\$	0
		-----
TOTAL. . . . .	\$	13,429,000

(2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	3,700,000
Prior Biennia (Expenditures). . . . .	\$	1,900,000
Future Biennia (Projected Costs). . . . .	\$	0
		-----
TOTAL. . . . .	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	843,000
Prior Biennia (Expenditures). . . . .	\$	3,157,000
Future Biennia (Projected Costs). . . . .	\$	0
		-----
TOTAL. . . . .	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	2,950,000
Prior Biennia (Expenditures). . . . .	\$	12,852,000
Future Biennia (Projected Costs). . . . .	\$	0
		-----
TOTAL. . . . .	\$	15,802,000

(5) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the

department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

**Appropriation:**

**St Bldg Constr Acct. . . . . \$ 4,600,000**

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 4,600,000

**NEW SECTION. Sec. 21. FOR THE STATE CONSERVATION**

**COMMISSION**

(1) Water quality account (90-2-001)

**Reappropriation:**

**Water Quality Acct . . . . . \$ 430,000**

**Appropriation:**

**Water Quality Acct . . . . . \$ 2,140,000**

Prior Biennia (Expenditures) . . . . . \$ 1,994,000

Future Biennia (Projected Costs) . . . . . \$ 3,946,000

TOTAL . . . . . \$ 8,510,000

**NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF FISHERIES**

(1) Habitat: Salmon enhancement program (77-5-005)

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 15,000**

**Appropriation:**

**St Bldg Constr Acct. . . . . \$ 1,235,000**

Prior Biennia (Expenditures) . . . . . \$ 906,000

Future Biennia (Projected Costs) . . . . . \$ 2,400,000

TOTAL . . . . . \$ 4,556,000

(2) Hood Canal Bridge: Public fishing access (79-2-011)

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 30,000**

Prior Biennia (Expenditures) . . . . . \$ 22,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 52,000

(3) Safety, health, and code compliance (86-1-020)

\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 300,000**

**Appropriation:**

	St Bldg Constr Acct. . . . .	\$	1,589,000
	Prior Biennia (Expenditures) . . . . .	\$	559,000
	Future Biennia (Projected Costs) . . . . .	\$	1,800,000
	TOTAL . . . . .	\$	4,248,000
(4)	Towhead Island public access renovation (86-3-028)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	20,000
	ORA-State . . . . .	\$	170,000
	Subtotal Reappropriation . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	21,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	211,000
(5)	Knappton boat launch (86-3-038)		
	Reappropriation:		
	ORA-Federal . . . . .	\$	43,000
	Prior Biennia (Expenditures) . . . . .	\$	11,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	54,000
(6)	McAllister: Improvements (88-2-003)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	50,000
	Prior Biennia (Expenditures) . . . . .	\$	126,999
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	176,999
(7)	Clam and oyster beach (88-5-002)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	1,123,156
	Future Biennia (Projected Costs) . . . . .	\$	1,200,000
	TOTAL . . . . .	\$	3,323,156
(8)	Fish protection facilities (88-5-012)		
	Reappropriation:		
	St Bldg Constr Acct. . . . .	\$	30,000
	Appropriation:		
	St Bldg Constr Acct. . . . .	\$	445,000
	Prior Biennia (Expenditures) . . . . .	\$	221,100

	Future Biennia (Projected Costs) . . . . .	\$	600,000
	TOTAL . . . . .	\$	1,296,100
(9)	Coast and Puget Sound salmon enhancement (88-5-016)		
	<b>Reappropriation:</b>		
	<b>Salmon Enhancement Acct.</b> . . . . .	\$	608,320
	<b>St Bldg Constr Acct.</b> . . . . .	\$	2,500,000
	Subtotal Reappropriation . . . . .	\$	3,108,320
	Prior Biennia (Expenditures) . . . . .	\$	1,353,517
	Future Biennia (Projected Costs) . . . . .	\$	3,750,000
	TOTAL . . . . .	\$	8,211,837
(10)	Shorefishing access (88-5-018)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	550,000
	Prior Biennia (Expenditures) . . . . .	\$	521,946
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,071,946
(11)	South Sound net pen support (90-2-007)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	175,000
	Prior Biennia (Expenditures) . . . . .	\$	168,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	343,000
(12)	Humtulpis: Upgrade intake dam (90-2-010)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	183,100
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	213,100
(13)	Salmon culture: Minor works projects (90-2-011)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	75,000
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	580,000
	Future Biennia (Projected Costs) . . . . .	\$	1,100,000
	TOTAL . . . . .	\$	2,255,000



(14) Habitat management shop building (90-2-012)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	235,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	435,000
(15) Field services: Minor works (90-2-015)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	65,000
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	170,000
Future Biennia (Projected Costs) . . . . .	\$	350,000
		-----
TOTAL . . . . .	\$	785,000
(16) Salmon culture: Minor capital projects (90-2-017)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	767,300
Prior Biennia (Expenditures) . . . . .	\$	468,700
Future Biennia (Projected Costs) . . . . .	\$	1,500,000
		-----
TOTAL . . . . .	\$	2,936,000
(17) George Adams: Water supply (90-2-019)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	175,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	175,000
(18) Ilwaco boat access expansion (90-2-023)		
<b>Reappropriation:</b>		
ORA-State . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	300,000
(19) Bonneville pool boat access (90-2-028)		
<b>Reappropriation:</b>		
ORA-State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000
 (20) Hood Canal boat access development (86-3-035)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.		
<b>Reappropriation:</b>		
ORA-Federal . . . . .	\$	30,000
ORA-State . . . . .	\$	270,000
Subtotal Reappropriation . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	300,000
 (21) Property acquisition (90-3-009)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	80,000
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	330,000
 (22) Shellfish surveys and Point Whitney repairs (90-3-013)		
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	175,000
Future Biennia (Projected Costs) . . . . .	\$	250,000
TOTAL . . . . .	\$	525,000
 (23) Strait of Juan de Fuca: Shoreline acquisition (90-5-025)		
<b>Reappropriation:</b>		
ORA-State . . . . .	\$	350,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	350,000
 (24) Kingston boat launch (90-5-027)		
<b>Reappropriation:</b>		
ORA-State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000

(25) Fuel tanks: Code compliance program (92-1-002)		
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	225,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	600,000
		-----
<b>TOTAL</b> . . . . .	\$	825,000
(26) Repair and replace fishing reef buoys (92-1-003)		
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	100,000
		-----
<b>TOTAL</b> . . . . .	\$	175,000
(27) Develop pathogen-free water and isolation incubation systems (92-2-005)		
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	500,000
(28) Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)		
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	3,300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	800,000
		-----
<b>TOTAL</b> . . . . .	\$	4,100,000
(29) Construct and remodel coastal field station (92-3-009)		
<b>Appropriation:</b>		
<b>St Bldg Constr Acct.</b> . . . . .	\$	750,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	750,000
(30) Water access and development (92-3-030)		
<b>Appropriation:</b>		
<b>ORA-State</b> . . . . .	\$	1,250,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL</b> . . . . .	\$	1,250,000

## (31) Reconstruction of the Toutle river hatchery

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,000,000

**NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF WILDLIFE**

## (1) Satsop river acquisition and development (86-2-029)

**Reappropriation:**

ORA-State . . . . .	\$	55,254
Prior Biennia (Expenditures) . . . . .	\$	17,796
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	73,050

## (2) Mineral Lake: Site improvements (86-3-028)

**Reappropriation:**

ORA-State . . . . .	\$	4,397
Prior Biennia (Expenditures) . . . . .	\$	35,949
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	40,346

## (3) Aberdeen fish hatchery expansion (89-5-017)

**Reappropriation:**

Game Spec Wildlife Acct. . . . .	\$	8,699
Prior Biennia (Expenditures) . . . . .	\$	731,301
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	740,000

## (4) Health, safety, and code compliance (90-1-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	262,484
Prior Biennia (Expenditures) . . . . .	\$	337,516
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	600,000

## (5) Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)

**Reappropriation:**

Wildlife Account-Federal . . . . .	\$	40,000
Wildlife Account-State . . . . .	\$	32,000
		-----

	Subtotal Reappropriation . . . . .	\$	72,000
	Prior Biennia (Expenditures) . . . . .	\$	1,103,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>335,000</b>
	<b>Wildlife Account-Federal</b> . . . . .	\$	<b>200,000</b>
	<b>Wildlife Account-State</b> . . . . .	\$	<b>150,000</b>
	Subtotal Reappropriation . . . . .	\$	685,000
	Prior Biennia (Expenditures) . . . . .	\$	2,565,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,250,000
(7)	Redevelopment of public fishing access sites (90-2-007)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	<b>800,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	326,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,126,000
(8)	Develop public fishing access sites (90-2-008)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>288,000</b>
	<b>Game Spec Wildlife Acct.</b> . . . . .	\$	<b>136,000</b>
	Subtotal Reappropriation . . . . .	\$	424,000
	Prior Biennia (Expenditures) . . . . .	\$	6,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	430,000
(9)	Wildlife area repair and development (90-2-016)		
	<b>Reappropriation:</b>		
	<b>Wildlife Account-Federal</b> . . . . .	\$	<b>45,000</b>
	<b>Wildlife Account-State</b> . . . . .	\$	<b>65,000</b>
	Subtotal Reappropriation . . . . .	\$	110,000
	Prior Biennia (Expenditures) . . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	310,000
(10)	Office repairs and improvements (90-2-020)		

The reappropriation in this subsection is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

**Reappropriation:**

**Wildlife Account-State . . . . . \$ 511,000**

Prior Biennia (Expenditures) . . . . . \$ 69,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 580,000**

## (11) Regional offices facility relocation (90-2-021)

**Reappropriation:**

**Wildlife Account-State . . . . . \$ 1,394,000**

Prior Biennia (Expenditures) . . . . . \$ 216,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 1,610,000**

## (12) State-wide fencing repair and replacement (90-3-015)

**Reappropriation:**

**Wildlife Account-State . . . . . \$ 141,000**

Prior Biennia (Expenditures) . . . . . \$ 627,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 768,000**

## (13) Migratory waterfowl habitat acquisition (90-5-005)

**Reappropriation:**

**Wildlife Account-State . . . . . \$ 200,000**

Prior Biennia (Expenditures) . . . . . \$ 150,000

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 350,000**

## (14) Acquisition of critical water access (90-5-009)

**Reappropriation:**

**ORA-State . . . . . \$ 17,619**

**Wildlife Account-Federal . . . . . \$ 100,000**

**Subtotal Reappropriation . . . . . \$ 117,619**

Prior Biennia (Expenditures) . . . . . \$ 2,631

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 120,250**

## (15) Puyallup tribal settlement (90-5-100)

**Reappropriation:**

**St Bldg Constr Acct. . . . . \$ 794,500**

	Prior Biennia (Expenditures) . . . . .	\$	5,500
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>800,000</b>
(16)	Health, safety, and code compliance (92-1-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,200,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,700,000</b>
(17)	Public fishing access minor works repair (92-1-004)		
	<b>Appropriation:</b>		
	<b>Wildlife Account-Federal . . . . .</b>	<b>\$</b>	<b>300,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	650,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>950,000</b>
(18)	Public access toilet replacement (92-1-005)		
	<b>Appropriation:</b>		
	<b>Wildlife Account-Federal . . . . .</b>	<b>\$</b>	<b>200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	600,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>800,000</b>
(19)	Emergency repair and replacement (92-2-002)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>345,000</b>
	Subtotal Appropriation . . . . .	\$	345,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	690,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,035,000</b>
(20)	Facility small repair and improvement (92-2-003)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>499,500</b>
	Subtotal Appropriation . . . . .	\$	499,500
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	836,000

TOTAL . . . . .	\$	1,335,500
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## (21) Wildlife area repair and development (92-2-007)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Wildlife Account-Federal . . . . .	\$	50,000

Subtotal Appropriation. . . . .	\$	250,000
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Prior Biennia (Expenditures). . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	500,000

TOTAL . . . . .	\$	1,000,000
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## (22) Hatchery renovation and improvement (92-2-009)

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of this appropriation shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,000,000
Wildlife Account-Federal . . . . .	\$	1,000,000

Subtotal Appropriation. . . . .	\$	3,000,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,000,000

TOTAL . . . . .	\$	9,000,000
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## (23) Mitigation and dedicated funding projects (92-2-011)

**Appropriation:**

Wildlife Account-Federal . . . . .	\$	3,100,000
Wildlife Account-Private/Local . . . . .	\$	4,850,000
Game Spec Wildlife Acct. . . . .	\$	50,000

Subtotal Appropriation. . . . .	\$	8,000,000
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Prior Biennia (Expenditures). . . . .	\$	769,000
Future Biennia (Projected Costs) . . . . .	\$	16,000,000

TOTAL . . . . .	\$	24,769,000
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## (24) Wildlife area repair and development (92-2-023)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	107,500
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Subtotal Appropriation. . . . .	\$	107,500
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	215,000

TOTAL . . . . .	\$	322,500
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(25) Hatchery renovation and improvement (92-2-025)		
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct.</b> . . . . .	\$ 304,000
		-----
	Subtotal Appropriation. . . . .	\$ 304,000
	Prior Biennia (Expenditures). . . . .	\$ 0
	Future Biennia (Projected Costs) . . . . .	\$ 5,740,000
		-----
	TOTAL. . . . .	\$ 6,044,000
(26) Acquisition, development, and redevelopment (92-2-015)		
	<b>Appropriation:</b>	
	<b>ORA-State</b> . . . . .	\$ 694,000
	Prior Biennia (Expenditures). . . . .	\$ 0
	Future Biennia (Projected Costs) . . . . .	\$ 1,750,000
		-----
	TOTAL. . . . .	\$ 2,444,000
(27) State-wide fencing repair and replacement (92-3-006)		
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct.</b> . . . . .	\$ 75,000
	<b>Wildlife Account-State</b> . . . . .	\$ 425,000
		-----
	Subtotal Appropriation. . . . .	\$ 500,000
	Prior Biennia (Expenditures). . . . .	\$ 0
	Future Biennia (Projected Costs) . . . . .	\$ 1,000,000
		-----
	TOTAL. . . . .	\$ 1,500,000
(28) Skagit wildlife area dike repair (92-3-008)		
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct.</b> . . . . .	\$ 171,250
		-----
	Subtotal Appropriation. . . . .	\$ 171,250
	Prior Biennia (Expenditures). . . . .	\$ 0
	Future Biennia (Projected Costs) . . . . .	\$ 0
		-----
	TOTAL. . . . .	\$ 171,250
(29) Migratory waterfowl habitat acquisition (92-5-012)		
	<b>Appropriation:</b>	
	<b>Wildlife Account-State</b> . . . . .	\$ 350,000
	Prior Biennia (Expenditures). . . . .	\$ 0
	Future Biennia (Projected Costs) . . . . .	\$ 700,000
		-----
	TOTAL. . . . .	\$ 1,050,000
(30) Migratory waterfowl habitat development (92-5-013)		

**Appropriation:**

<b>Wildlife Account-State . . . . .</b>	<b>\$</b>	<b>350,000</b>
Prior Biennia (Expenditures) . . . . .	\$	450,000
Future Biennia (Projected Costs) . . . . .	\$	700,000
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,500,000</b>

(31) Acquisition of wildlife habitat surplus property (92-5-014)

\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.

**Appropriation:**

<b>Wildlife Account-State . . . . .</b>	<b>\$</b>	<b>1,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	600,000
Future Biennia (Projected Costs) . . . . .	\$	2,000,000
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,600,000</b>

(32) Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>450,000</b>
Prior Biennia (Expenditures) . . . . .	\$	294,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>744,000</b>

(33) Habitat enhancement fund (92-5-022)

**Appropriation:**

<b>Wildlife Account-Private/Local . . . . .</b>	<b>\$</b>	<b>500,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,000,000
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,500,000</b>

(34) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind contribution of dollars or services from nonstate sources of at least \$200,000.

**Appropriation:**

<b>St Bldg Const Acct . . . . .</b>	<b>\$</b>	<b>4,684,166</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>4,684,166</b>

(1)	Aquatic land enhancement (86-3-020)		
	<b>Reappropriation:</b>		
	<b>Aquatic Lands Acct . . . . .</b>	<b>\$</b>	<b>3,924,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	301,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>4,225,000</b>
(2)	Natural area preserves--Property purchases (88-02-061)		
	This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.		
	<b>Reappropriation:</b>		
	<b>Conservation Area Acct . . . . .</b>	<b>\$</b>	<b>280,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	5,191,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,471,000</b>
(3)	Woodard Bay natural resource conservation area fencing development (90-3-103)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>170,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	100,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>270,000</b>
(4)	Dishman Hills protection development (90-3-104)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>70,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	50,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>120,000</b>
(5)	Natural area preserves management (90-3-105)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>55,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	95,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>150,000</b>
(6)	Construct and improve recreation sites (90-5-201)		

	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>170,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	320,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>490,000</b>
(7)	Seattle waterfront, phase 1 development (90-5-202)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	<b>749,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,000
	Future Biennia (Projected Costs) . . . . .	\$	750,000
			-----
	<b>TOTAL</b> . . . . .	\$	<b>1,500,000</b>
(8)	Woodard Bay health and safety development (90-5-203)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>70,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>270,000</b>
(9)	Long Lake, phase 2 development (90-5-204)		
	<b>Reappropriation:</b>		
	<b>ORV Acct</b> . . . . .	\$	<b>140,000</b>
	<b>ORA-State</b> . . . . .	\$	<b>140,000</b>
			-----
	Subtotal Reappropriation . . . . .	\$	280,000
	Prior Biennia (Expenditures) . . . . .	\$	185,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>465,000</b>
(10)	Underground storage tanks (92-1-103)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct.</b> . . . . .	\$	<b>147,000</b>
	<b>Res Mgmt Cost Acct</b> . . . . .	\$	<b>472,000</b>
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>181,000</b>
			-----
	Subtotal Appropriation . . . . .	\$	800,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,960,000
			-----
	<b>TOTAL</b> . . . . .	\$	<b>2,760,000</b>
(11)	State-wide emergency repairs (92-1-104)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct.</b> . . . . .	\$	<b>14,300</b>

Res Mgmt Cost Acct . . . . .	\$	53,700
St Bldg Constr Acct. . . . .	\$	32,000
		<hr/>
Subtotal Appropriation. . . . .	\$	100,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	200,000
		<hr/>
TOTAL . . . . .	\$	300,000

(12) Environmental protection (92-1-105)

**Appropriation:**

Forest Development Acct. . . . .	\$	113,200
Res Mgmt Cost Acct . . . . .	\$	232,800
St Bldg Constr Acct. . . . .	\$	154,000
		<hr/>
Subtotal Appropriation. . . . .	\$	500,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	607,700
		<hr/>
TOTAL . . . . .	\$	1,107,700

(13) Northwest region office expansion: Design and construction (92-1-102)

**Appropriation:**

Forest Development Acct. . . . .	\$	286,200
Res Mgmt Cost Acct . . . . .	\$	297,800
St Bldg Constr Acct. . . . .	\$	216,000
		<hr/>
Subtotal Appropriation. . . . .	\$	800,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	800,000

(14) Southwest region office space expansion: Design and construction (92-1-106)

**Appropriation:**

Forest Development Acct. . . . .	\$	193,100
Res Mgmt Cost Acct . . . . .	\$	302,000
St Bldg Constr Acct. . . . .	\$	255,000
		<hr/>
Subtotal Appropriation. . . . .	\$	750,100
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		<hr/>
TOTAL . . . . .	\$	750,100

(15) Minor works: Building and compound (92-1-107)

**Appropriation:**

Forest Development Acct. . . . .	\$	111,700
Res Mgmt Cost Acct . . . . .	\$	215,200
St Bldg Constr Acct. . . . .	\$	158,500

	Subtotal Appropriation. . . . .	\$	485,400
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,333,400
	<b>TOTAL. . . . .</b>	<b>\$</b>	<b>2,818,800</b>
(16)	Facilities: Small repairs and improvements (92-1-108)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct. . . . .</b>	<b>\$</b>	<b>21,800</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>53,300</b>
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>25,000</b>
	Subtotal Appropriation. . . . .	\$	100,100
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	194,000
	<b>TOTAL. . . . .</b>	<b>\$</b>	<b>294,100</b>
(17)	Emergency repairs recreation sites (92-1-206)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>100,000</b>
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	200,000
	<b>TOTAL. . . . .</b>	<b>\$</b>	<b>300,000</b>
(18)	Environmental clean-up: Trust and forest board lands (92-1-404)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct. . . . .</b>	<b>\$</b>	<b>150,000</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>350,000</b>
	Subtotal Appropriation. . . . .	\$	500,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,000,000
	<b>TOTAL. . . . .</b>	<b>\$</b>	<b>1,500,000</b>
(19)	Right of way acquisitions (92-2-401)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct. . . . .</b>	<b>\$</b>	<b>200,000</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>590,000</b>
	Subtotal Appropriation. . . . .	\$	790,000
	Prior Biennia (Expenditures). . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,035,000
	<b>TOTAL. . . . .</b>	<b>\$</b>	<b>1,825,000</b>

(20) Regional seedling cold storage (92-2-406)

**Appropriation:**

Forest Development Acct. . . . .	\$	165,000
Res Mgmt Cost Acct . . . . .	\$	202,000

Subtotal Appropriation. . . . .	\$	367,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	367,000

TOTAL . . . . .	\$	734,000
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(21) Real estate property, small repairs and improvements (92-2-407)

**Appropriation:**

Res Mgmt Cost Acct . . . . .	\$	390,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	780,000

TOTAL . . . . .	\$	1,170,000
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(22) Communication site repair and replacement (92-2-408)

**Appropriation:**

Forest Development Acct. . . . .	\$	66,000
Res Mgmt Cost Acct . . . . .	\$	264,000

Subtotal Appropriation. . . . .	\$	330,000
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Prior Biennia (Expenditures). . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	600,000

TOTAL . . . . .	\$	1,080,000
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(23) Irrigation pipeline replacement (92-2-409)

**Appropriation:**

Res Mgmt Cost Acct . . . . .	\$	595,000
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Prior Biennia (Expenditures). . . . .	\$	532,000
Future Biennia (Projected Costs) . . . . .	\$	600,000

TOTAL . . . . .	\$	1,727,000
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(24) Roads and bridges (92-2-801)

**Appropriation:**

ORV Acct . . . . .	\$	74,000
Forest Development Acct. . . . .	\$	90,000
Res Mgmt Cost Acct . . . . .	\$	200,000

Subtotal Appropriation. . . . .	\$	364,000
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Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,236,000

TOTAL . . . . .	\$	4,600,000
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## (25) Natural area preserves protection (92-3-202)

**Appropriation:**

<b>St Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>119,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	300,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>419,000</b>

## (26) Commercial development, local improvement district (92-3-402)

**Appropriation:**

<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>910,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,820,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,730,000</b>

## (27) Emergency repairs: Irrigation (92-3-405)

**Appropriation:**

<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>200,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	400,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>600,000</b>

## (28) Aquatic land enhancement grants (92-3-501)

**Appropriation:**

<b>Aquatic Lands Acct . . . . .</b>	<b>\$</b>	<b>3,020,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,040,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>9,060,000</b>

## (29) Land bank (92-4-403)

**Appropriation:**

<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>18,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	12,000,000
Future Biennia (Projected Costs) . . . . .	\$	36,000,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>66,000,000</b>

## (30) Irrigation development (92-2-410)

**Appropriation:**

<b>Res Mgmt Cost Acct . . . . .</b>	<b>\$</b>	<b>609,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,167,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,776,000</b>



(31) Construct and improve recreation sites (92-5-201)

**Appropriation:**

ORV Acct . . . . .	\$	325,000
St Bldg Constr Acct. . . . .	\$	400,000
ORA-State . . . . .	\$	450,000
		-----
Subtotal Appropriation. . . . .	\$	1,175,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,600,000
		-----
TOTAL. . . . .	\$	2,775,000

(32) Thurston county road agreement (92-3-802)

**Appropriation:**

Access Road Rev Acct . . . . .	\$	2,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,000,000
		-----
TOTAL. . . . .	\$	6,000,000

(33) Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport

The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,082,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL. . . . .	\$	1,082,000

**NEW SECTION. Sec. 25. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES**

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

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the commission and the department of natural resources ("department") as suitable and recommended for addition to the state parks system as described in the joint study under section 4, chapter 163, Laws of 1985. All or part of the following lands shall be acquired:

- (a) Diamond Point, in Clallam county, on the Strait of Juan de Fuca;
- (b) Lord Hill, in Snohomish county, west of Monroe;
- (c) Beacon Rock, in Skamania county, adjacent to Beacon Rock State

Park;

- (d) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;

- (e) South Whidbey, in Island county, adjacent to South Whidbey State park;
- (f) Wallace Falls addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (g) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (h) Point Lawrence in San Juan county at the extreme east point of Orcas Island;
- (i) Hoypus Hill in Island county south of the Hoypus Point Natural Forest Area at Deception Pass State Park;
- (j) Steamboat Rock in Grant county on Osborne Bay on the Banks Lake reservoir; and
- (k) Lake Easton in Kittitas county west of Lake Easton State Park near the town of Easton.

(2) If the boundaries of the properties acquired under this section vary in any significant aspect from the property boundaries identified in the study, the commission shall report to the appropriate committees of the legislature, describing the boundary variations and the justification therefor. Neither the department nor the commission shall take any final action inconsistent with the acquisition of the full parcels for park purposes until the legislature has had an opportunity to enact legislation preventing the boundary variation.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made either for administrative costs or for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	40,900,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	40,900,000

**NEW SECTION. Sec. 26. FOR THE STATE CONVENTION AND TRADE CENTER**

- (1) Project reserves and contingencies (89-5-001)

**Reappropriation:**

State Convention and Trade Center Acct . . . . .	\$	1,430,734
Prior Biennia (Expenditures). . . . .	\$	1,569,266
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,000,000

- (2) Conversion of retail space to meeting rooms (89-5-002)

**Reappropriation:**

State Convention and Trade Center Acct . . . . .	\$	3,500,000
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Prior Biennia (Expenditures) . . . . .	\$	1,697,364
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,197,364</b>

(3) Expansion of the 900 level (89-5-003)

**Reappropriation:**

<b>State Convention and Trade Center Acct .</b>	<b>\$</b>	<b>3,500,000</b>
Prior Biennia (Expenditures) . . . . .	\$	5,316,580
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>8,816,580</b>

(4) Eagles Building and exterior cleanup or other capital projects (89-5-005)

**Reappropriation:**

<b>State Convention and Trade Center Acct .</b>	<b>\$</b>	<b>287,000</b>
Prior Biennia (Expenditures) . . . . .	\$	13,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>300,000</b>

(5) Develop low-income housing (90-5-001)

**Reappropriation:**

<b>State Convention and Trade Center Acct .</b>	<b>\$</b>	<b>650,000</b>
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>800,000</b>

**"PART 4  
TRANSPORTATION"**

**NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF  
TRANSPORTATION**

(1) Acquisition of dredge spoils sites (83-1-001)

**Reappropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>200,000</b>
Prior Biennia (Expenditures) . . . . .	\$	3,277,162
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,477,162</b>

(2) Toutle river retention dam (87-1-001)

**Reappropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>5,777,882</b>
Prior Biennia (Expenditures) . . . . .	\$	10,722,118
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>16,500,000</b>

(3) Essential rail assistance (90-1-001)

\$1,000,000 of the reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.

**Reappropriation:**

ESS Rail Assis Acct. . . . .	\$	1,000,000
Prior Biennia (Expenditures). . . . .	\$	200,000
Future Biennia (Projected Costs) . . . . .	\$	2,000,000
		-----
TOTAL . . . . .	\$	3,200,000

(4) Essential rail banking (90-1-002)

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

(a) \$1,100,000 is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW.

(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.

(c) This reappropriation shall not be used for operating expenses of rail systems, programs, or services.

**Reappropriation:**

ESS Rail Bank Acct. . . . .	\$	1,100,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,200,000
		-----
TOTAL . . . . .	\$	3,300,000

(5) Stampede Pass rail line

The appropriation in this subsection is provided solely to secure an option to acquire the track on the Stampede Pass rail line. This appropriation is contingent upon the provision of funds by the department of transportation to acquire the rail right of way.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000

**NEW SECTION. Sec. 28. FOR THE WASHINGTON STATE PATROL**

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the

Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>2,017,000</b>
Prior Biennia (Expenditures) . . . . .	\$	20,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,037,000</b>

(2) Spokane crime laboratory: For safety enhancements (92-1-008)

**Appropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>192,000</b>
Prior Biennia (Expenditures) . . . . .	\$	4,500
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>196,500</b>

(3) Everett district headquarters--Crime laboratory (90-2-018)

**Reappropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>455,000</b>
Prior Biennia (Expenditures) . . . . .	\$	15,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>470,000</b>

**"PART 5  
EDUCATION"**

**NEW SECTION. Sec. 29. FOR THE STATE BOARD OF EDUCATION**

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

**Reappropriation:**

<b>Common School Constr Fund. . . . .</b>	<b>\$</b>	<b>500</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>500</b>

(2) Public school building construction (83-3-001)

**Reappropriation:**

<b>Common School Constr Fund. . . . .</b>	<b>\$</b>	<b>110,000</b>
Prior Biennia (Expenditures) . . . . .	\$	490,000

## JOURNAL OF THE SENATE

	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	600,000
(3)	Public school building construction (86-4-001)		
	<b>Reappropriation:</b>		
	<b>Common School Constr Fund.</b> . . . . .	\$	<b>1,100,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,400,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	<b>Reappropriation:</b>		
	<b>Common School Constr Fund.</b> . . . . .	\$	<b>70,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	75,298
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	145,298
(5)	Public school building construction (88-2-001)		
	<b>Reappropriation:</b>		
	<b>Common School Constr Fund.</b> . . . . .	\$	<b>4,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	61,328,022
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	<b>Reappropriation:</b>		
	<b>Common School Constr Fund.</b> . . . . .	\$	<b>80,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,920,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,000,000
(7)	Public school building construction (90-2-001)		
	<b>Reappropriation:</b>		
	<b>Common School Constr Fund.</b> . . . . .	\$	<b>156,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	252,527,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	408,527,000
(8)	Public school building construction (91-2-001)		

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

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$300,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and to facilitate and verify information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040 shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new project priority funding system that is responsive to a variety of factors including but not limited to the type of space requested; current space availability and condition; identified program needs; cost benefit considerations of new construction, modernization, and reconfiguration alternatives; and impacts of delay.

(ii) The state board shall determine the relative importance of each of the factors, establish objective criteria for each, and develop a process for reporting and verifying data submitted by school districts.

(iii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The proceeds of bonds authorized in Engrossed Substitute House Bill No. 1430 and deposited in the common school construction fund shall serve as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by Engrossed Substitute Senate Bill No. 5184.

**Appropriation:**

<b>Common School Constr Fund. . . . .</b>	<b>\$</b>	<b>266,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	350,000,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>616,000,000</b>

(9) Public school building construction (91-2-001)

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

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall propose alternative rules to the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber. The department of natural

resources shall report to the legislature with the proposed rules and with recommendations on legislative solutions by December 1, 1991.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act and shall submit the joint plan to the legislature by December 1, 1991.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

**Appropriation:**

Common School Constr Fund. . . . .	\$	12,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	12,000,000

**NEW SECTION. Sec. 30. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

If Engrossed Substitute Senate Bill No. 5184 is enacted by June 30, 1991, the appropriations in this section shall be transferred to the state board for community college education or its successor.

- (1) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,800,000
Prior Biennia (Expenditures). . . . .	\$	4,316,645
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	10,116,645

- (2) Renton Vocational Technical Institute: For a business technology building

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,985,000
Prior Biennia (Expenditures). . . . .	\$	443,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	4,428,000



- (3) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,500,000

- (4) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,612,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,612,000

**NEW SECTION. Sec. 31. FOR THE STATE SCHOOL FOR THE BLIND**

- (1) Demolish Richardson Hall (92-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	255,149
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	255,149

- (2) Demolish museum building (92-1-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	255,149
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	255,149

- (3) Elevator in administration building (92-1-003)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	384,461
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	384,461

- (4) Automatic door: Kennedy Building (92-1-007)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	36,020
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	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	36,020
(5)	Reroof Ahlsten Cottage (92-2-004)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	209,488
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	209,488
(6)	Irwin School electrical and communications upgrade (92-2-005)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	92,141
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	162,990
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	369,791
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	369,791
	<b>NEW SECTION. Sec. 32. FOR THE STATE SCHOOL FOR THE DEAF</b>		
(1)	Building reroof: Devine High School (92-2-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	581,119
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	<b>Appropriation:</b>		

	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>218,182</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>218,182</b>
(3)	Building reroof: Clark Hall (92-2-003)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>448,842</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>448,842</b>
(4)	Building reroof: McDonald Hall (92-2-004)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>135,737</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>135,737</b>
(5)	Building reroof: Deer Hall (92-2-005)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>98,298</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>98,298</b>
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>71,624</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>71,624</b>
(7)	Devine High School air conditioner (92-2-007)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>26,834</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>26,834</b>
(8)	Heating system repairs (92-2-008)		

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	32,345
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	32,345

**NEW SECTION. Sec. 33. FOR THE UNIVERSITY OF WASHINGTON**

- (1) Safety: Fire code, PCB, and life safety (86-1-001)
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| UW Bldg Acct . . . . .                     | \$ | 6,890,000 |
| Prior Biennia (Expenditures). . . . .      | \$ | 2,298,000 |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 9,188,000 |
- (2) Safety: Asbestos removal (86-1-002)
- The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| UW Bldg Acct . . . . .                     | \$ | 4,900,000 |
| Prior Biennia (Expenditures). . . . .      | \$ | 600,000   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 5,500,000 |
- (3) Minor works: Building renewal (86-1-004)
- Reappropriation:**
- |  |    |            |
|--|----|------------|
| UW Bldg Acct . . . . .                     | \$ | 6,200,000  |
| Prior Biennia (Expenditures). . . . .      | \$ | 5,983,000  |
| Future Biennia (Projected Costs) . . . . . | \$ | 0          |
| TOTAL . . . . .                            | \$ | 12,183,000 |
- (4) Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)
- Reappropriation:**
- |  |    |            |
|--|----|------------|
| St Bldg Constr Acct. . . . .               | \$ | 43,508,000 |
| UW Bldg Acct . . . . .                     | \$ | 3,500,000  |
| Subtotal Reappropriation . . . . .         | \$ | 47,008,000 |
| Prior Biennia (Expenditures). . . . .      | \$ | 7,856,000  |
| Future Biennia (Projected Costs) . . . . . | \$ | 0          |
| TOTAL . . . . .                            | \$ | 54,864,000 |
- (5) Minor works: Program renewal (86-3-005)
- The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not

be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

UW Bldg Acct . . . . .	\$	3,800,000
Prior Biennia (Expenditures) . . . . .	\$	9,540,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	13,340,000

- (6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	360,000
UW Bldg Acct . . . . .	\$	240,000
		-----
Subtotal Reappropriation . . . . .	\$	600,000

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	19,872,000
Prior Biennia (Expenditures) . . . . .	\$	468,495
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	20,340,495

- (7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

**Reappropriation:**

H Ed Constr Acct . . . . .	\$	45,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	45,000,000

- (8) Emergency power generation (90-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	10,500,000
Prior Biennia (Expenditures) . . . . .	\$	610,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 4,000,000</b>
<b>Appropriation:</b>	
<b>H Ed Reimb Constr Acct</b> . . . . .	<b>\$ 64,786,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 3,778,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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<b>TOTAL</b> . . . . .	<b>\$ 72,564,000</b>

(10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 37,200,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 1,952,000
Future Biennia (Projected Costs) . . . . .	\$ 0
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<b>TOTAL</b> . . . . .	<b>\$ 39,152,000</b>

(11) Electrical engineering and computer science building: To complete the design and continue preplanning of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the reappropriation in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 3,450,000</b>
<b>Appropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 3,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 661,000
Future Biennia (Projected Costs) . . . . .	\$ 90,500,000
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<b>TOTAL</b> . . . . .	<b>\$ 97,611,000</b>

(12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct.</b> . . . . .	<b>\$ 830,000</b>
<b>UW Bldg Acct</b> . . . . .	<b>\$ 770,000</b>
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<b>Subtotal Reappropriation</b> . . . . .	<b>\$ 1,600,000</b>

Prior Biennia (Expenditures) . . . . .	\$	7,539,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>10,640,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	33,333,000
		-----
TOTAL . . . . .	\$	43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>3,525,000</b>
<b>UW Bldg Acct</b> . . . . .	\$	<b>5,000,000</b>
		-----
Subtotal Appropriation . . . . .	\$	8,525,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	40,200,000
		-----
TOTAL . . . . .	\$	48,725,000

- (15) Communications Building Renovation (88-2-014)

**Reappropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>2,015,000</b>
<b>UW Bldg Acct</b> . . . . .	\$	<b>1,167,000</b>
		-----
Subtotal Reappropriation . . . . .	\$	3,182,000
Prior Biennia (Expenditures) . . . . .	\$	3,555,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	6,737,000

- (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>235,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,488,000
		-----

TOTAL . . . . . \$ 2,723,000

- (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 3,314,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,314,000

- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,543,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 37,800,000

TOTAL . . . . . \$ 40,343,000

- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,459,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,700,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 1,300,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,300,000



- (22) Other utility projects: To remove and decontaminate six underground storage tanks (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	60,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	20,000,000
TOTAL. . . . .	\$	20,060,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	700,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL. . . . .	\$	700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,850,000
UW Bldg Acct . . . . .	\$	5,000,000
Subtotal Appropriation. . . . .	\$	8,850,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	43,250,000
TOTAL. . . . .	\$	52,100,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

**Appropriation:**

UW Bldg Acct . . . . .	\$	1,759,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL. . . . .	\$	1,759,000

- (26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

UW Bldg Acct . . . . .	\$	7,238,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	7,238,000

- (27) Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	215,000
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**Appropriation:**

UW Bldg Acct . . . . .	\$	1,670,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,885,000

- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

State Bldg Constr Acct . . . . .	\$	1,850,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	91,528,000
		-----
TOTAL . . . . .	\$	93,378,000

- (29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

State Bldg Constr Acct . . . . .	\$	5,675,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,675,000

- (30) Employee day care facility--Preplanning

The appropriation in this subsection is subject to the following conditions and limitations: The appropriation is provided solely for the purpose of analyzing the need for, and potential sites of, a day care facility located on or near the

Seattle campus of the University of Washington for the use of University of Washington employees.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	50,000

**NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY.**

- (1) Science Hall renewal, phase 2 (86-1-006)

**Reappropriation:**

H Ed Constr Acct. . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	10,804,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	11,204,000

- (2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

WSU Bldg Acct. . . . .	\$	1,788,000
Prior Biennia (Expenditures) . . . . .	\$	3,212,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,000,000

- (3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,950,000
Prior Biennia (Expenditures) . . . . .	\$	3,050,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,000,000

- (4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991

legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

**Reappropriation:**

WSU Bldg Acct. . . . .	\$	2,700,000
Prior Biennia (Expenditures) . . . . .	\$	55,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,755,000

## (5) Land acquisition (Branch Campus) (90-5-002)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	250,000
Prior Biennia (Expenditures) . . . . .	\$	1,095,333
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,345,333

## (6) Tri-Cities University Center (90-5-901)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	2,850,000
Prior Biennia (Expenditures) . . . . .	\$	9,548,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	12,398,000

## (7) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

WSU Bldg Acct. . . . .	\$	6,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	21,300,000
TOTAL . . . . .	\$	27,800,000

## (8) Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

**Reappropriation:**

WSU Bldg Acct. . . . .	\$	525,100
WSU Bldg Acct. . . . .	\$	670,000

Prior Biennia (Expenditures) . . . . .	\$	7,900
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 1,203,000

- (9) Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

**Reappropriation:**  
 WSU Bldg Acct. . . . . \$ 638,300  
**Appropriation:**  
 WSU Bldg Acct. . . . . \$ 542,000  
 Prior Biennia (Expenditures) . . . . . \$ 9,700  
 Future Biennia (Projected Costs) . . . . . \$ 0  
 -----  
 TOTAL . . . . . \$ 1,190,000

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**  
 WSU Bldg Acct. . . . . \$ 21,700  
**Appropriation:**  
 St Bldg Constr Acct. . . . . \$ 1,343,000  
 Prior Biennia (Expenditures) . . . . . \$ 130,300  
 Future Biennia (Projected Costs) . . . . . \$ 5,570,000  
 -----  
 TOTAL . . . . . \$ 7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

**Appropriation:**  
 WSU Bldg Acct. . . . . \$ 1,513,000  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . . . \$ 0  
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 TOTAL . . . . . \$ 1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**  
 St Bldg Constr Acct. . . . . \$ 957,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	7,943,000
		-----
TOTAL . . . . .	\$	8,900,000

(13) Nuclear radiation center study (92-1-025)

**Reappropriation:**

WSU Bldg Acct. . . . .	\$	13,400
Prior Biennia (Expenditures) . . . . .	\$	39,600
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	53,000

(14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,500,000

(15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

**Appropriation:**

WSU Bldg Acct. . . . .	\$	869,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	869,000

(16) Holland Library addition: To furnish and equip the library addition (92-2-012)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	29,500,000
WSU Bldg Acct. . . . .	\$	48,600
		-----
Subtotal Reappropriation . . . . .	\$	29,548,600

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,580,000
Prior Biennia (Expenditures) . . . . .	\$	4,992,400
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	37,121,000

- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	970,000
WSU Bldg Acct. . . . .	\$	110,000
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Subtotal Reappropriation . . . . .	\$	1,080,000

**Appropriation:**

H Ed Reimb Constr Acct . . . . .	\$	26,835,000
Prior Biennia (Expenditures) . . . . .	\$	747,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	28,662,000

- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,171,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,171,000

- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)

**Reappropriation:**

H Ed Constr Acct . . . . .	\$	500,000
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**Appropriation:**

WSU Bldg Acct. . . . .	\$	810,000
Prior Biennia (Expenditures) . . . . .	\$	6,289,715
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	7,599,715

- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	10,000,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

WSU Bldg Acct. . . . .	\$	37,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,143,000
Prior Biennia (Expenditures). . . . .	\$	145,000
Future Biennia (Projected Costs) . . . . .	\$	14,795,000
TOTAL . . . . .	\$	16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	15,000,000
WSU Bldg Acct. . . . .	\$	967,000
Subtotal Appropriation. . . . .	\$	15,967,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Appropriation:**

WSU Bldg Acct. . . . .	\$	1,761,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0



TOTAL . . . . . \$ 1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

**Appropriation:**

WSU Bldg Acct. . . . . \$ 2,407,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,407,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

**Appropriation:**

WSU Bldg Acct. . . . . \$ 2,714,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,850,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,850,000

**NEW SECTION. Sec. 35. FOR EASTERN WASHINGTON UNIVERSITY**

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 141,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 150,000

Prior Biennia (Expenditures) . . . . . \$ 91,000

Future Biennia (Projected Costs) . . . . . \$ 4,850,000

TOTAL . . . . . \$ 5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 7,000,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 7,780,000

Prior Biennia (Expenditures) . . . . . \$ 6,255,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 21,035,000

- (3) Electrical system renewal (86-1-002)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 890,000

Prior Biennia (Expenditures) . . . . . \$ 1,894,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,784,000

- (4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 213,000

**Appropriation:**

EWU Cap Proj Acct . . . . . \$ 1,000,000

Prior Biennia (Expenditures) . . . . . \$ 985,000

Future Biennia (Projected Costs) . . . . . \$ 1,500,000

TOTAL . . . . . \$ 3,698,000

- (5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

EWU Cap Proj Acct . . . . . \$ 1,100,000

Prior Biennia (Expenditures) . . . . . \$ 3,363,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 4,463,000

- (6) Small repairs projects (86-1-011)

**Reappropriation:**

	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$ 422,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 1,107,000
	Future Biennia (Projected Costs) . . . . .	\$ 0
	<b>TOTAL . . . . .</b>	<b>\$ 1,529,000</b>
(7)	Energy conservation (86-2-006)	
	<b>Reappropriation:</b>	
	<b>St H Ed Constr Acct . . . . .</b>	<b>\$ 200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 554,000
	Future Biennia (Projected Costs) . . . . .	\$ 0
	<b>TOTAL . . . . .</b>	<b>\$ 754,000</b>
(8)	Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)	
	The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.	
	<b>Appropriation:</b>	
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$ 850,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 1,283,000
	Future Biennia (Projected Costs) . . . . .	\$ 2,500,000
	<b>TOTAL . . . . .</b>	<b>\$ 4,633,000</b>
(9)	Fire suppression: To install fire suppression systems throughout the campus (88-1-005)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 30,000</b>
	<b>Appropriation:</b>	
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$ 850,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 496,000
	Future Biennia (Projected Costs) . . . . .	\$ 1,700,000
	<b>TOTAL . . . . .</b>	<b>\$ 3,076,000</b>
(10)	Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)	
	<b>Reappropriation:</b>	
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$ 850,000</b>
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 2,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 230,000
	Future Biennia (Projected Costs) . . . . .	\$ 1,000,000
	<b>TOTAL . . . . .</b>	<b>\$ 4,080,000</b>
(11)	Seventh Street replacement (90-3-001)	
	<b>Reappropriation:</b>	

	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>338,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>338,000</b>
(12)	Minor capital renewal (90-3-002)		
	<b>Reappropriation:</b>		
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>1,150,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	17,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,167,000</b>
(13)	Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)		
	<b>Reappropriation:</b>		
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>56,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	109,000
	Future Biennia (Projected Costs) . . . . .	\$	1,200,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,365,000</b>
(14)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)		
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.		
	<b>Appropriation:</b>		
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>2,200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	4,400,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>6,600,000</b>
(15)	Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)		
	<b>Appropriation:</b>		
	<b>EWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>1,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,000,000</b>
(16)	Underground storage tanks, code compliance: To remove six underground storage tanks under EPA requirements (92-1-003)		

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

EWU Cap Proj Acct . . . . .	\$	60,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	60,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct . . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,000,000
TOTAL . . . . .	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas (92-5-008)

**Appropriation:**

EWU Cap Proj Acct . . . . .	\$	1,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,200,000

**NEW SECTION. Sec. 36. FOR CENTRAL WASHINGTON UNIVERSITY**

- (1) Energy savings projects (86-2-005)

**Reappropriation:**

CWU Cap Proj Acct . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	808,276
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	908,276

- (2) Handicap modifications (88-1-007)

**Reappropriation:**

CWU Cap Proj Acct . . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	565,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	715,000

- (3) Psychology animal research facility (90-1-060)
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| St Bldg Constr Acct. . . . .               | \$ | 1,700,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ | 447,000   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 2,147,000 |
- (4) Telecommunications system, phase 2 (90-2-003)
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| CWU Cap Proj Acct . . . . .                | \$ | 1,182,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ | 261,600   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 1,443,600 |
- (5) Shaw/Smyser Hall remodel (90-2-005)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| St Bldg Constr Acct. . . . .               | \$ | 2,406,000 |
| CWU Cap Proj Acct . . . . .                | \$ | 950,000   |
| Subtotal Reappropriation . . . . .         | \$ | 3,356,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ | 349,900   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 3,705,900 |
- (6) Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)
- Reappropriation:**
- |                              |    |         |
|------------------------------|----|---------|
| St Bldg Constr Acct. . . . . | \$ | 700,000 |
|------------------------------|----|---------|
- Appropriation:**
- |  |    |           |
|--|----|-----------|
| CWU Cap Proj Acct . . . . .                | \$ | 500,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ | 1,989,482 |
| Future Biennia (Projected Costs) . . . . . | \$ | 1,000,000 |
| TOTAL . . . . .                            | \$ | 4,189,482 |
- (7) Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)
- The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.
- Appropriation:**
- |                             |    |         |
|-----------------------------|----|---------|
| CWU Cap Proj Acct . . . . . | \$ | 750,000 |
|-----------------------------|----|---------|

Prior Biennia (Expenditures) . . . . .	\$	500,000
Future Biennia (Projected Costs) . . . . .	\$	850,000
		-----
TOTAL . . . . .	\$	2,100,000

- (8) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	150,000
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	10,465,200
Prior Biennia (Expenditures) . . . . .	\$	450,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	11,065,200

- (9) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	193,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	17,608,000
		-----
TOTAL . . . . .	\$	17,801,500

- (10) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,600,000
		-----
TOTAL . . . . .	\$	2,400,000

- (11) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

<b>Reappropriation:</b>		
CWU Cap Proj Acct . . . . .	\$	2,650,000
<b>Appropriation:</b>		
CWU Cap Proj Acct . . . . .	\$	3,791,000

Prior Biennia (Expenditures) . . . . .	\$	3,672,809
Future Biennia (Projected Costs) . . . . .	\$	6,978,000
TOTAL . . . . .	\$	17,091,809

- (12) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

**Appropriation:**

CWU Cap Proj Acct . . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,700,000
TOTAL . . . . .	\$	2,500,000

- (13) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

**Appropriation:**

CWU Cap Proj Acct . . . . .	\$	1,170,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,170,000

**NEW SECTION. Sec. 37. FOR THE EVERGREEN STATE COLLEGE**

- (1) Failed systems (90-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	331,800
Prior Biennia (Expenditures) . . . . .	\$	212,270
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	544,070

- (2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	53,000
Prior Biennia (Expenditures) . . . . .	\$	192,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	245,000

- (3) Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	972,100
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	972,100



- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,766,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,766,500

- (5) Underground storage tank replacement, phase I: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	120,000

- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	967,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	967,000

- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	956,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	956,300

- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

**Appropriation:**

TESC Cap Proj Acct . . . . .	\$	185,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----

	TOTAL . . . . .	\$	185,000
(9)	Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)		
	<b>Appropriation:</b>		
	<b>TESC Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>162,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	162,000
(10)	Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>430,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	430,000
	<b>NEW SECTION. Sec. 38. FOR WESTERN WASHINGTON UNIVERSITY</b>		
(1)	Construct and equip science facility, phase 1 (90-1-001)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>20,300,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,630,700
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	21,930,700
(2)	Science facility, phase 2 (design) (90-1-005)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>780,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	107,300
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	887,300
(3)	Institute of Wildlife Toxicology (90-2-003)		
	<b>Reappropriation:</b>		
	<b>WWU Cap Proj Acct . . . . .</b>	<b>\$</b>	<b>744,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	756,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,500,000
(4)	Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	21,374,300
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	21,374,300

- (5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	707,500
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	9,371,400
TOTAL . . . . .	\$	10,078,900

- (6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

WWU Cap Proj Acct . . . . .	\$	2,500,000
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**Appropriation:**

WWU Cap Proj Acct . . . . .	\$	7,500,000
Prior Biennia (Expenditures). . . . .	\$	7,807,465
Future Biennia (Projected Costs) . . . . .	\$	12,000,000
TOTAL . . . . .	\$	29,807,465

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,450,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 1,450,000

**NEW SECTION. Sec. 39. FOR THE STATE LIBRARY**

- (1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

**Reappropriation:**

General Fund-State . . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	75,000

**NEW SECTION. Sec. 40. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

- (1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington State Historical Society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase-in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$28,815,000 from state moneys, including all costs for land, design, construction, and exhibits.

(c) A portion of exhibitry costs shall be used to fulfill the requirement that one-half percent of construction costs be used for artwork.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	2,955,000
Appropriation:		
St Bldg Constr Acct. . . . .	\$	610,000
Prior Biennia (Expenditures) . . . . .	\$	125,000
Future Biennia (Projected Costs) . . . . .	\$	25,125,000
TOTAL . . . . .	\$	28,815,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	250,849
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	250,849

- (3) Minor works

The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	222,424
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	222,424

**NEW SECTION. Sec. 41. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	746,211
Prior Biennia (Expenditures) . . . . .	\$	542,832
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,289,043

- (2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	424,279
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	424,279

- (3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	56,727
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	56,727

**NEW SECTION. Sec. 42. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

- (1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	10,600
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	99,510
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Prior Biennia (Expenditures) . . . . .	\$	16,400
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Future Biennia (Projected Costs) . . . . .	\$	10,500
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TOTAL . . . . .	\$	137,010
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**NEW SECTION. Sec. 43. FOR THE COMMUNITY COLLEGE SYSTEM**

- (1) Extension facility (Puyallup) (86-3-021)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	99,211
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Prior Biennia (Expenditures) . . . . .	\$	5,276,789
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	5,376,000
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- (2) Tech building and remodeling (Skagit Valley) (86-3-022)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	30,085
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Prior Biennia (Expenditures) . . . . .	\$	3,369,915
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	3,400,000
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- (3) Heavy equipment building (South Seattle) (86-3-026)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	17,901
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Prior Biennia (Expenditures) . . . . .	\$	4,429,099
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	4,447,000
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- (4) Minor works (RMI) (88-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	114,174
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Prior Biennia (Expenditures) . . . . .	\$	3,385,826
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	3,500,000
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(5)	Repairs, exterior walls (88-3-003)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>218,614</b>
	Prior Biennia (Expenditures) . . . . .	\$	4,045,386
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>4,264,000</b>
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>500,121</b>
	Prior Biennia (Expenditures) . . . . .	\$	3,574,879
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>4,075,000</b>
(7)	Minor improvements (88-3-005)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>781,756</b>
	Prior Biennia (Expenditures) . . . . .	\$	12,982,244
	Future Biennia (Projected Costs) . . . . .	\$	0
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	<b>TOTAL</b> . . . . .	\$	<b>13,764,000</b>
(8)	Repairs, electrical (88-3-006)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>114,986</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,277,014
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>1,392,000</b>
(9)	Sites and interiors (88-3-007)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>168,312</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,757,688
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>1,926,000</b>
(10)	Agri Tech building (Walla Walla) (88-3-008)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,000,539</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,114,461
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>3,115,000</b>

## (11) Plan, and construct library-student center (86-2-031)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	328,911
Prior Biennia (Expenditures) . . . . .	\$	7,662,089
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	7,991,000

## (12) Vocational shop (Wenatchee) (88-3-010)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	613,953
Prior Biennia (Expenditures) . . . . .	\$	341,047
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	955,000

## (13) Computer facility (Edmonds) (88-3-011)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	14,934
Prior Biennia (Expenditures) . . . . .	\$	3,820,066
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,835,000

## (14) Learning resource center (Clark) (88-3-012)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	620,017
Prior Biennia (Expenditures) . . . . .	\$	5,759,983
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	6,380,000

## (15) Extension center (Yakima Valley) (88-3-013)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	102,068
Prior Biennia (Expenditures) . . . . .	\$	1,588,932
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,691,000

## (16) Math and science building (Spokane Falls) (88-3-015)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	779,618
Prior Biennia (Expenditures) . . . . .	\$	4,970,382
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,750,000



- (17) Learning resource center (Spokane) (88-3-016)
- |  |                     |
|--|---------------------|
| <b>Reappropriation:</b>                    |                     |
| <b>St Bldg Constr Acct.</b> . . . . .      | <b>\$ 588,025</b>   |
| Prior Biennia (Expenditures) . . . . .     | \$ 4,946,975        |
| Future Biennia (Projected Costs) . . . . . | \$ 0                |
|  | -----               |
| <b>TOTAL</b> . . . . .                     | <b>\$ 5,535,000</b> |
- (18) Preplanning for 1989-93 major projects (88-4-014)
- |  |                   |
|--|-------------------|
| <b>Reappropriation:</b>                    |                   |
| <b>St Bldg Constr Acct.</b> . . . . .      | <b>\$ 48,852</b>  |
| Prior Biennia (Expenditures) . . . . .     | \$ 448,148        |
| Future Biennia (Projected Costs) . . . . . | \$ 0              |
|  | -----             |
| <b>TOTAL</b> . . . . .                     | <b>\$ 497,000</b> |
- (19) Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)
- |  |                     |
|--|---------------------|
| <b>Reappropriation</b>                     |                     |
| <b>St Bldg Constr Acct.</b> . . . . .      | <b>\$ 66,117</b>    |
| <b>Appropriation:</b>                      |                     |
| <b>St Bldg Constr Acct.</b> . . . . .      | <b>\$ 2,123,000</b> |
| Prior Biennia (Expenditures) . . . . .     | \$ 41,883           |
| Future Biennia (Projected Costs) . . . . . | \$ 0                |
|  | -----               |
| <b>TOTAL</b> . . . . .                     | <b>\$ 2,231,000</b> |
- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- |  |                     |
|--|---------------------|
| <b>Appropriation:</b>                      |                     |
| <b>St Bldg Constr Acct.</b> . . . . .      | <b>\$ 5,998,000</b> |
| Prior Biennia (Expenditures) . . . . .     | \$ 256,000          |
| Future Biennia (Projected Costs) . . . . . | \$ 0                |
|  | -----               |
| <b>TOTAL</b> . . . . .                     | <b>\$ 6,254,000</b> |
- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)
- |  |                     |
|--|---------------------|
| <b>Reappropriation:</b>                |                     |
| <b>St Bldg Constr Acct.</b> . . . . .  | <b>\$ 20,747</b>    |
| <b>Appropriation:</b>                  |                     |
| <b>St Bldg Constr Acct.</b> . . . . .  | <b>\$ 1,307,000</b> |
| Prior Biennia (Expenditures) . . . . . | \$ 57,253           |

Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,385,000

- (22) Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 77,194

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 1,972,000

Prior Biennia (Expenditures) . . . . . \$ 35,806

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,085,000

- (23) Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 49,234

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,025,000

Prior Biennia (Expenditures) . . . . . \$ 45,766

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,120,000

- (24) Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 76,722

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 1,746,000

Prior Biennia (Expenditures) . . . . . \$ 13,278

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,836,000

- (25) Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 138,067

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,902,000

Prior Biennia (Expenditures) . . . . . \$ 1,933

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,042,000

- (26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 33,714

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 6,311,000

Prior Biennia (Expenditures). . . . . \$ 211,286

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 6,556,000

- (27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 148,348

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 11,080,000

Prior Biennia (Expenditures). . . . . \$ 251,652

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 11,480,000

- (28) Washington State University education center (Clark) (89-5-019)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 12,793

Prior Biennia (Expenditures). . . . . \$ 1,787,207

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,800,000

- (29) Multipurpose child care center (Everett) (89-5-020)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 20,055

Prior Biennia (Expenditures). . . . . \$ 465,533

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 485,588

- (30) Fire and security repairs (90-1-004)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 499,132

	Prior Biennia (Expenditures) . . . . .	\$	448,478
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	947,610
(31)	Asbestos repairs (90-1-008)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>59,824</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,157,376
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,217,200
(32)	Roof and structural repairs (90-2-002)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,336,671</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,321,329
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	3,658,000
(33)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,412,452</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,560,378
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	2,972,830
(34)	Electrical repairs (90-2-005)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>126,639</b>
	Prior Biennia (Expenditures) . . . . .	\$	244,601
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	371,240
(35)	Small repairs and improvements (90-3-001)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,338,574</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,861,426
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	4,200,000
(36)	Learning assistance resource center (Centralia) (90-3-006)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>66,076</b>

Prior Biennia (Expenditures) . . . . .	\$	4,147,924
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	4,214,000

(37) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	740,342
Prior Biennia (Expenditures) . . . . .	\$	3,107,838
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,848,180

(38) Technology laboratories (Highline) (90-3-023)

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	554,817
Prior Biennia (Expenditures) . . . . .	\$	2,213,183
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,768,000

(39) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	4,454,434
Prior Biennia (Expenditures) . . . . .	\$	8,838,506
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	13,292,940

(40) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	34,750
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	249,000
Prior Biennia (Expenditures) . . . . .	\$	28,250

Future Biennia (Projected Costs) . . . . .	\$	6,378,000
TOTAL . . . . .	\$	6,690,000

## (41) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	202,000
Prior Biennia (Expenditures) . . . . .	\$	45,000
Future Biennia (Projected Costs) . . . . .	\$	6,940,000
TOTAL . . . . .	\$	7,187,000

## (42) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	33,157
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	280,000
Prior Biennia (Expenditures) . . . . .	\$	34,843
Future Biennia (Projected Costs) . . . . .	\$	5,213,000
TOTAL . . . . .	\$	5,561,000

## (43) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	9,076
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	298,000
Prior Biennia (Expenditures) . . . . .	\$	54,924
Future Biennia (Projected Costs) . . . . .	\$	6,536,000
TOTAL . . . . .	\$	6,898,000

## (44) Design: Vocational art facility (Shoreline) (90-5-014)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	22,407
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	157,000

Prior Biennia (Expenditures) . . . . .	\$	28,593
Future Biennia (Projected Costs) . . . . .	\$	2,785,000
		-----
TOTAL . . . . .	\$	2,993,000

(45) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	33,280
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	305,000
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Prior Biennia (Expenditures) . . . . .	\$	39,720
Future Biennia (Projected Costs) . . . . .	\$	5,725,000
		-----
TOTAL . . . . .	\$	6,103,000

(46) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	5,117
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	258,000
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Prior Biennia (Expenditures) . . . . .	\$	53,883
Future Biennia (Projected Costs) . . . . .	\$	4,276,000
		-----
TOTAL . . . . .	\$	4,593,000

(47) Design: Library addition (Skagit Valley) (90-5-017)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	116,000
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Prior Biennia (Expenditures) . . . . .	\$	44,000
Future Biennia (Projected Costs) . . . . .	\$	1,896,000
		-----
TOTAL . . . . .	\$	2,056,000

(48) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	105,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	105,000

- (49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	<b>\$</b>	<b>498,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>498,000</b>

- (50) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	<b>\$</b>	<b>78,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>78,000</b>

- (51) Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	<b>\$</b>	<b>700,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>700,000</b>

- (52) Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	<b>\$</b>	<b>280,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>280,000</b>

- (53) Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)

**Appropriation:**

<b>St Bldg Constr Acct.</b> . . . . .	<b>\$</b>	<b>1,893,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>1,893,000</b>

- (54) Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)



The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	650,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	650,000

- (55) Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,172,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,172,000

- (56) Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	7,457,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	7,457,000

- (57) Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	817,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	817,000

- (58) Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,074,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,074,000

- (59) Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,307,000
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	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	2,307,000
(60)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>2,508,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	2,508,000
(61)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>692,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	692,000
(62)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,440,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,440,000
(63)	Site repairs: To provide site improvements on eleven campuses (92-2-111)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>1,329,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,329,000
(64)	Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>6,211,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	6,211,000

- (65) Minor improvements: To complete fifty-six minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	16,792,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	16,792,000

- (66) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	57,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	9,653,000
		-----
TOTAL . . . . .	\$	9,710,000

- (67) Preplan: Vocational building (Skagit Valley) (92-5-502)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	25,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	2,116,000
		-----
TOTAL . . . . .	\$	2,141,000

- (68) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	45,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,942,000
		-----
TOTAL . . . . .	\$	6,987,000

- (69) Preplan: Office and instructional building (Edmonds) (92-5-504)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	8,485,000
		-----
TOTAL . . . . .	\$	8,543,000

- (70) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	42,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	5,849,000
		-----
TOTAL . . . . .	\$	5,891,000

(71) Learning resource center and technical facility (Green river) (92-5-506)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	10,462,000
		-----
TOTAL . . . . .	\$	10,520,000

(72) Preplan: New Campus One (92-5-701)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	14,800,000
		-----
TOTAL . . . . .	\$	15,100,000

(73) Pool repairs (Pierce)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	600,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	600,000

**NEW SECTION. Sec. 44. FOR THE HIGHER EDUCATION COORDINATING BOARD**

Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures). . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	300,000
		-----
TOTAL . . . . .	\$	420,000

**NEW SECTION. Sec. 45.** The estimated general fund-state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

**NEW SECTION. Sec. 46.** The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(1) Department of Social and Health Services to:

(a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and

(b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.

(2) Department of Corrections to:

(a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;

(b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;

(c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$70,000 during the 1991-93 biennium;

(i) Purchase a central storage facility for Spokane Community College for \$75,000; and

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

**NEW SECTION. Sec. 47. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.**

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

**NEW SECTION. Sec. 48.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 49.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

**NEW SECTION. Sec. 50.** To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 51.** As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

**NEW SECTION. Sec. 52.** Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement under RCW 43.88.150 shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

**NEW SECTION. Sec. 53.** Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 54.** Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 55.** The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to

another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days prior to the date the transfer is effected.

**NEW SECTION. Sec. 56.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

**NEW SECTION. Sec. 57.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The

higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

### "PART 7

#### SEVERABILITY AND EFFECTIVE DATE"

NEW SECTION. Sec. 58. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 59. 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. 60. 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 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1427, 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, what is the total of the capital budget? Is this the one billion total or--I'd like to know just what I am voting on. I may want to vote 'no.'"

Senator McDonald: "Senator Rasmussen, I don't have the exact figures at this point. It is exactly the same as was passed before and I don't know how you voted on it before."

Senator Rasmussen: "I'm not sure how I voted on it either, but I thought we would have some more information now that we are in a new session. Maybe Senator Rinehart has it on the tip of her tongue."



REMARKS BY SENATOR RINEHART

Senator Rinehart: "If the question was the amount, it is just over one billion dollars."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1427, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Voting nay: Senators Rasmussen, Wojahn - 2.

Excused: Senators Bluechel, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, 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

SENATE BILL NO. 5960, by Senator McDonald

Relating to the capital budget.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following amendment was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. 1989 1st ex.s. c 12 s 397 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

Washington State Agricultural Trade Center--Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.

Reappropriation:

St Bldg Constr Acct . . . . .	\$	((2,300,000))
		3,531,930

Appropriation: . . . . .	\$	0
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Prior Biennia: .....	\$	((4,200,000))
		2,968,070
Future Biennia: .....	\$	0
<b>TOTAL</b> .....	<b>\$</b>	<b>6,500,000</b>

Sec. 2. 1989 1st ex.s. c 12 s 398 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

Agricultural Complex--Yakima (89-2-005)

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

(1) \$1,000,000 is provided solely for parking lot paving, lighting and landscaping.

(2) \$1,000,000 of this appropriation is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:		
St Bldg Constr Acct .....	\$	((750,000))
		1,448,418
Appropriation		
St Bldg Constr Acct .....	\$	2,000,000
Prior Biennia: .....	\$	((1,250,000))
		551,582
Future Biennia: .....	\$	0
<b>TOTAL</b> .....	<b>\$</b>	<b>4,000,000</b>

Sec. 3. 1989 1st ex.s. c 12 s 605 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Acquisition of dredge spoils sites (83-1-001)

Reappropriation:		
St Bldg Constr Acct .....	\$	((2,369,430))
		789,830
Appropriation: .....		
	\$	0
Prior Biennia: .....	\$	2,420,000
Future Biennia: .....	\$	0
<b>TOTAL</b> .....	<b>\$</b>	<b>3,209,830</b>

Sec. 4. 1989 1st ex.s. c 12 s 729 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Energy conservation (86-4-023)

Reappropriation:		
St Bldg Constr Acct .....	\$	((900,000))

	181,492
H Ed Constr Acct .....	\$ 300,000
Appropriation: .....	\$ 0
Prior Biennia: .....	\$ 663,566
Future Biennia: .....	\$ 0
TOTAL .....	\$ 1,145,058

Sec. 5. 1989 1st ex.s. c 12 s 733 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Power plant stack replacement (88-1-023)

Reappropriation:	
UW Bldg Acct .....	\$ ((1,050,000))
	2,491,170
Appropriation: .....	\$ 0
Prior Biennia: .....	\$ 450,000
Future Biennia: .....	\$ 0
TOTAL .....	\$ ((1,500,000))
	2,941,170

Sec. 6. 1989 1st ex.s. c 12 s 739 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Power plant boiler retrofit (88-4-024)

Reappropriation:	
UW Bldg Acct .....	\$ ((2,050,000))
	91,834
Appropriation: .....	\$ 0
Prior Biennia: .....	\$ 250,000
Future Biennia: .....	\$ 0
TOTAL .....	\$ ((2,300,000))
	341,834

NEW SECTION. Sec. 7. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Denny Hall exterior repair (91-2-025)

Reappropriation: .....	\$ 0
Appropriation:	
St Bldg Constr Acct .....	\$ 718,508
Prior Biennia: .....	\$ 0
Future Biennia: .....	\$ 718,508

Prior Biennia: . . . . .	\$	0
Future Biennia: . . . . .	\$	718,508
<b>TOTAL</b> . . . . .	<b>\$</b>	<b>718,508</b>

**NEW SECTION. Sec. 8.** A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Power plant boiler (91-2-026)

Reappropriation: . . . . .	\$	0
Appropriation:		
UW Bldg Acct . . . . .	\$	516,996
Prior Biennia: . . . . .	\$	0
Future Biennia: . . . . .	\$	516,996

**NEW SECTION. Sec. 9.** A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

The appropriation in section 518, chapter 16, Laws of 1990 1st ex. sess. (uncodified), for the construction of common school facilities, is subject to the conditions and limitations of section 904, chapter 12, Laws of 1989 1st ex. sess. (uncodified), as amended, and to RCW 28A.335.210.

**NEW SECTION. Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**MOTIONS**

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget" strike the remainder of the title and insert "; amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); and amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; adding a new section to chapter 16, Laws of 1990 1st ex.s.; and declaring an emergency.

On motion of Senator McDonald, the rules were suspended, Engrossed Senate Bill No. 5960 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. 5960.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5960 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Voting nay: Senators Anderson, Wojahn - 2.

Excused: Senators Bluechel, Sellar - 2.

ENGROSSED SENATE BILL NO. 5960, having received the 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 Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:11 p.m. by President Pro Tempore Craswell.

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

## MESSAGE FROM THE HOUSE

June 14, 1991

MR. PRESIDENT:

The House has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,

ENGROSSED SENATE BILL NO. 5960, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,

ENGROSSED SENATE BILL NO. 5960.

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

## MOTION

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

## SENATE RESOLUTION 1991-8694

By Senator Hayner

WHEREAS, On June fourteenth, seventeen hundred seventy-seven, the United States Congress adopted the stars and stripes as the flag of our then infant country; and

WHEREAS, John Adams, in introducing the bill for a national flag, proposed that our country adopt a design consisting of thirteen stripes representing the thirteen original colonies and a constellation of thirteen stars representing the union that these colonies had so recently formed; and

WHEREAS, June fourteenth, eighteen hundred seventy-seven, was first officially observed as Flag Day throughout the United States on the one hundredth anniversary of the flag's adoption; and

WHEREAS, President Wilson recognized Flag Day by signing a proclamation on May thirteenth, nineteen hundred sixteen; and

WHEREAS, On this day, we Americans so proudly display the flag at our homes and offices, on our public buildings, and in our schools in honor of the country and all of our citizens who have so faithfully served under this great symbol of freedom; and

WHEREAS, On this day, the citizens of Fairfield, Washington, are setting a laudable example of patriotism by celebrating their eighty-second Flag Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes June fourteenth, nineteen hundred ninety-one, as Flag Day and honors all of our citizens who have served this country under this great symbol of freedom; and

BE IT FURTHER RESOLVED, That the Senate commends the patriotism of the citizens of Fairfield, Washington, and all other Washington communities that so faithfully celebrate Flag Day; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Sergeant-at-Arms of the Senate and to the Mayor of Fairfield, Washington.

## MOTION

At 2:13 p.m., on motion of Senator Amondson, the Senate adjourned until 1:00 p.m., Monday, June 17, 1991.

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

## EIGHTH DAY

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## AFTERNOON SESSION

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Senate Chamber, Olympia, Monday, June 17, 1991

The Senate was called to order at 1:00 p.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Pelz and Saling. On motion of Senator Murray, Senator Pelz was excused. On motion of Senator Anderson, Senators Barr and Saling were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Naismith and Nathan Schneider, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist 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

June 14, 1991

MR. PRESIDENT:

The Speaker has signed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,

ENGROSSED SENATE BILL NO. 5960, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5992 by Senator Moore

AN ACT Relating to the gambling revolving fund; and amending RCW 9.46.100.

Referred to Committee on Commerce and Labor.

SB 5993 by Senators Cantu, Gaspard, Hayner, Murray, Anderson, A. Smith, Craswell, Skratek and Johnson.

AN ACT Relating to increasing the maximum income limits of residents of nonprofit homes for the aging for purposes of the property tax exemption for nonprofit homes for the aging to the maximum income limits for retired persons' property tax exemptions; amending RCW 84.36.041; and declaring an emergency.

Referred to Committee on Rules.

SB 5994 by Senators Madsen, Gaspard, Murray, Jesernig, Vognild, Moore and Conner

AN ACT Relating to additional funding of K through 12 education through state lottery revenues; amending RCW 67.70.040, 67.70.190, and 67.70.240; and creating a new section.

Referred to Committee on Commerce and Labor.

### WELCOME TO SENATOR SELLAR

The President Pro Tempore and the Senators greeted Senator Sellar and welcomed him back to the Senate after open heart surgery.

### MOTION

At 1:07 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:22 p.m. by President Pritchard.

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

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson and Rasmussen) (by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

The bill was read the third time.

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. 5149.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Matson, Patterson - 2.

Excused: Senators Barr, Pelz, Saling - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, having received the 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. 5150, by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

Adjusting campaign finance reporting requirements.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5150.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Barr, Pelz, Saling - 3.

SENATE BILL NO. 5150, having received the 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. 5318, by Senate Committee on Financial Institutions and Insurance (originally sponsored by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West)

Prescribing penalties for money laundering.

The bill was read the third time.

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. 5318.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Barr, Pelz, Saling - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, having received the 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. 5444, by Senators Moore and A. Smith

Extending the time for a bank customer to discover and report unauthorized signatures and alterations.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5444.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Barr, Pelz, Saling - 3.

SENATE BILL NO. 5444, having received the 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 sixth order of business.

## SECOND READING

SENATE BILL NO. 5988, by Senators Vognild and McCaslin

Allowing the levying of certain authorized library improvement tax levies.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5988 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. 5988.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5988 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Barr, Pelz, Saling - 3.

SENATE BILL NO. 5988, having received the constitutional majority, 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. 5989, by Senators Newhouse, Niemi and McMullen  
(by request of Task Force on City/County Finances)

Defining criminal justice purposes for the municipal criminal justice assistance account.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson be adopted:

On page 3, after line 8, insert a new subsection to read as follows:

"(6) Beginning January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal criminal justice assistance account until the city has entered an agreement with the office of the court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature in which case the date for linkage shall be postponed only until such funding is available."

Renumber the remaining subsections consecutively and correct internal cross-reference.

## POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. I would like to raise the point of order that this amendment expands the scope and object of the original bill. I think the President should know and the body should know that the Governor's veto was aimed at this amendment, according to his statement.

"The bill, itself, has to do with the criminal justice funding which we provided last year and allowed certain counties and cities with a very high criminal justice load some additional help. The language was too restrictive and we found that some, in their desperation--some cities and counties--had expended money from other purposes which they had to supplant and there was rather restrictive non-supplanting language in the bill. The definition of supplanting which we put in that bill, House Bill No. 1137, is now in this bill before us and what the maker of the amendment is trying to do is to put on the same amendment which the Governor was trying to reach with his veto. I suggest that it would be better that the amendment be a bill of its own and fly on its own merit."

Further debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5989 was deferred.

## MOMENT OF SILENCE

At the request of Senator Gaspard, the Senate stood for a moment of silence in memory of former Senator Bruce A. Wilson.

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

## MESSAGE FROM THE HOUSE

June 17, 1991

## MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Rasmussen and Schmidt.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1427.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1427 and the Senate amendments thereto: Senators Bluechel, Rinehart and Matson.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## MOTION

At 2:56 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Wednesday, June 19, 1991.

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

## TENTH DAY

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## AFTERNOON SESSION

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Senate Chamber, Olympia, Wednesday, June 19, 1991

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Conner, Gaspard, Pelz, Rinehart, Saling, Sellar, Snyder, Thorsness, von Reichbauer and Williams. There being no objection, the President excused Senators Barr, Conner, Gaspard, Pelz, Rinehart, Saling, Sellar, Snyder, Thorsness, von Reichbauer and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Schelli Buckner and Geoffrey Thomson, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist Church, offered the prayer.

## MOTION

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

## MESSAGES FROM THE GOVERNOR

June 17, 1991

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

I have the honor to advise you that on June 14, 1991, Governor Gardner approved the following Senate Bill entitled:

Reengrossed Substitute Senate Bill No. 5395

Relating to fiscal matters.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

June 18, 1991

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

I have the honor to advise you that on June 18, 1991, Governor Gardner approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5960

Relating to the capital budget.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor

## INTRODUCTION AND FIRST READING

SB 5995 by Senators Vognild and Patterson

AN ACT Relating to free parking for disabled persons; and amending RCW 46.61.582.

Referred to Committee on Transportation.

SB 5996 Senators Nelson, Rasmussen and Johnson

AN ACT Relating to child support; amending RCW 26.09.010, 26.09.100, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5997 by Senators Nelson and A. Smith (by request of Statute Law Committee)

AN ACT Relating to the correction of double amendments; reenacting RCW 41.26.030, 41.26.090, 41.26.160, and 41.32.550; creating a new section; repealing 1991 c 3 s 122, 1991 c 3 s 123, 1991 c 3 s 124, 1991 c 3 s 125, 1991 c 3 s 126, 1991 c 3 s 127, 1991 c 3 s 128, 1991 c 3 s 129, 1991 c 3 s 142, 1991 c 3 s 144, 1991 c 3 s 145, 1991 c 3 s 148, 1991 c 3 s 149, 1991 c 3 s 150, 1991 c 3 s 172, 1991 c 3 s 173, 1991 c 3 s 186, 1991 c 3 s 187, 1991 c 3 s 188, 1991 c 3 s 189, 1991 c 3 s 191, 1991 c 3 s 221, 1991 c 3 s 222, 1991 c 3 s 224, and 1991 c 72 s 47; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1991-8695

By Senators Gaspard, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart,

Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, The late Senator Bruce Wilson was a good friend and respected colleague in the Washington State Senate, where, for three terms, he represented the Seventh Legislative District, which included Ferry, Stevens, Pend Oreille, Lincoln, and portions of Spokane and Okanogan Counties; and

WHEREAS, His outstanding leadership and hard work earned him several leadership positions, including Majority Caucus Secretary and Majority Caucus Vice Chair; the chairman of the Senate Local Government Committee, where he was a champion of local government; the chairman of the state Public Disclosure Commission; the vice president representing Eastern Washington on the State Historical Society's Board of Trustees; and

WHEREAS, His wisdom and sense of humor helped his colleagues to keep in perspective the day-to-day confusion and frustration of the Legislature; and

WHEREAS, Bruce Wilson set a fine example for his fellow legislators; for him being a legislator and being a statesman were synonymous; and

WHEREAS, He was a past president of the Omak Chamber of Commerce and the Okanogan County Historical Society; and

WHEREAS, Senator Wilson served his community well and earned the respect of his fellow journalists as owner and publisher of The Omak Chronicle from 1956 to 1980; and

WHEREAS, His skill in writing and expertise in local history are featured in his book, The Late Frontier, A History of Okanogan County, for which he recently received the Governor's Writers Award; and

WHEREAS, Senator Wilson is survived by his wife, Merilynn, and his three children, Christel, Scott, and Duff; and

WHEREAS, Bruce Wilson served his community and his state with distinction, and will be missed by all who knew him;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby recognize the late Senator Bruce Wilson for his dedication to and work in the State Legislature, and extends its deepest sympathy to his family and friends; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to his wife, Merilynn Wilson, of Omak; his sister, Diana Baker, of Wauwatosha, Wisconsin; and his children, Christel Fisk, of Portland, Oregon; Duff Wilson, of Kirkland; and Scott Wilson, of Port Townsend.

Senators Wojahn, Metcalf, Hayner, McCaslin, Nelson and Stratton spoke to Senate Resolution 1991-8695.

## 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 Bill No. 5432 and the bill was placed on the third reading calendar.

MOTION

At 1:17 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, June 21, 1991.

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

## TWELFTH DAY

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## MORNING SESSION

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Senate Chamber, Olympia, Friday, June 21, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Barr, Bluechel, Hansen, McDonald, McMullen, Metcalf, Saling, Sellar, Linda Smith, West and Williams. On motion of Senator Newhouse, Senators Anderson, Barr, Bluechel, McDonald, Metcalf, Saling, Sellar, Linda Smith and West were excused. On motion of Senator Murray, Senators Hansen, McMullen and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Debrena Fredrickson and Pat Rasmussen, presented the Colors. Reverend Hilton Jarvis, pastor of the Lacey Baptist 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

June 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907, and the same is herewith transmitted.

Sincerely,  
ALAN THOMPSON, Chief Clerk

June 19, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

Sincerely,  
ALAN THOMPSON, Chief Clerk

June 19, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1095,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535,  
 SUBSTITUTE HOUSE BILL NO. 1909,  
 HOUSE BILL NO. 2214,  
 HOUSE BILL NO. 2220,  
 HOUSE BILL NO. 2221,  
 SENATE BILL NO. 5988, and the same are herewith transmitted.

Sincerely,  
 ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 5988.

INTRODUCTION AND FIRST READING

SB 5998 by Senators Nelson and Johnson

AN ACT Relating to surviving spouses under the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section.

HOLD.

SB 5999 by Senator McCaslin

AN ACT Relating to the frequency of revising elected officials' salaries; and amending RCW 43.03.310.

Referred to Committee on Rules.

SB 6000 by Senator L. Smith

AN ACT Relating to domestic violence; amending RCW 9.94A.386, 9A.20.021, 10.99.040, and 26.50.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6001 by Senators Thorsness, McCaslin, Craswell, Roach, Patterson, Cantu and Amondson

AN ACT Relating to the citizens' commission for elected officials; amending RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, 43.03.010, 43.03.028, 34.12.100, 42.17.370, and 43.03.040; adding new sections to chapter 43.03 RCW; creating a new section; decodifying RCW 43.01.011, 43.01.012, and 43.01.013; repealing RCW 43.03.300, 43.03.305, and 43.03.310; and declaring an emergency.

Referred to Committee on Governmental Operations.

SJR 8229 by Senators Thorsness, McCaslin, Craswell, Roach, Patterson, Cantu and Amondson

Amending the Constitution so that state officials' salaries are not set by an independent commission, but are established as they were prior to the commission's establishment.

Referred to Committee on Governmental Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1095 by Representatives Appelwick, Dellwo and Paris

Adding a new Article regarding funds transfers to the Uniform Commercial Code.

HOLD.

ESHB 1535 by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr)

Requiring radon testing.

HOLD.

ESHB 1907 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson)

Regulating local government self-insurance.

Referred to Committee on Financial Institutions and Insurance.

HB 2214 by Representatives Haugen, Prince, Wang and Edmondson (by request of Task Force on City/County Finances)

Defining criminal justice purposes for the municipal criminal justice assistance account.

HOLD.

HB 2220 by Representatives Ebersole, Wang, Heavey, Cole, Jacobsen, Jones, Nelson, Franklin, Belcher, Cantwell, Anderson, Leonard, Spanel, Inslee, Pruitt, O'Brien, Prentice, Brekke, Peery, Appelwick and Wineberry

Changing employment leave provisions.

Referred to Committee on Commerce and Labor.

HB 2221 by Representatives Bowman, Basich, Wynne, Sheldon, Schmidt, Heavey, Neher, Rasmussen, Chandler, Valle, D. Sommers, Zellinsky, Edmondson, Jones, Tate, Ludwig, Ballard, Bray, Prince, Prentice, O'Brien, May, Haugen, Broback, Nealey, Winsley, Beck, Ferguson, Van Luven, Horn, Lisk, Mielke, Casada, Forner, P. Johnson, Hochstatter, Morton, Holland, Padden, Betrozoff, Wineberry, Mitchell, Inslee, Ogden, Grant, Nelson, Cantwell, Belcher, Peery, Ronald, Jacobsen, Locke, Cole, G. Fisher, Cooper, H. Myers, Dorn, Brumsickle, Vance, R. Meyers, Appelwick, Scott, Orr, R. King, Morris, Wang, Hine, R. Johnson, Riley, Leonard, Pruitt, Day, Paris, Wood, Brekke, McLean, R. Fisher, Spanel, Wilson, Miller, Silver, Ebersole, Franklin, Kremen, Rayburn, Anderson, Fuhrman, Sprengle, Fraser, Moyer, Phillips, Hargrove and Brough

Establishing purple heart recipient recognition day.

Referred to Committee on Rules.

HCR 4416 by Representatives Anderson, McLean, Jones, Rasmussen, Winsley, Kremen and Bowman

Creating the joint select committee on veterans and military personnel affairs.

Referred to Committee on Governmental Operations.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5998, House Bill No. 1095, Engrossed Substitute House Bill No. 1535 and House Bill No. 2214 were advanced to second reading and placed on the second reading calendar.

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

#### REPORTS OF STANDING COMMITTEES

June 19, 1991

SB 5985 Prime Sponsor, Senator Wojahn: Changing requirements for institutional plans for higher education health care training. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, M. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

June 20, 1991

SB 5997 Prime Sponsor, Senator Nelson: Correcting certain double amendments from the 1991 regular session. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, M. Kreidler, Newhouse, and A. Smith.

HOLD.

June 20, 1991

SCR 8416 Prime Sponsor, Senator Nelson: Resolving to create the Washington Condominium Task Force. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, M. Kreidler, Newhouse, and A. Smith.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5997 and Senate Concurrent Resolution No. 8416 were advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### MOTION

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

#### SENATE RESOLUTION 1991-8696

By Senators Madsen and M. Kreidler

WHEREAS, Dr. Glen L. Nutter has completed a tenure of eighteen years as Superintendent of Yelm Community Schools; and

WHEREAS, Dr. Nutter has been recognized as an outstanding educational leader by peers, parents, and students alike; and

WHEREAS, Dr. Nutter's hard work, direction, and vision during his thirty-three year career in education has been characterized by his commitment to success for all students; and

WHEREAS, Dr. Nutter has stood out as a leader, not only in education, but also in his work throughout his community; and

WHEREAS, Dr. Nutter's drive for excellence has contributed to the public school system of the State of Washington and the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pay respect and honor to Dr. Glen L. Nutter upon his retirement as Superintendent of Yelm Community Schools; and

BE IT FURTHER RESOLVED, That the Washington State Senate thank Dr. Nutter for his years of service to the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Dr. Glen L. Nutter.

Senator Madsen spoke to Senate Resolution 1991-8696.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Dr. Glen L. Nutter, Superintendent of the Yelm School District, who was seated in the gallery.

#### 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 Bill No. 5718 and Engrossed Substitute Senate Bill No. 5790.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5718 and Engrossed Substitute Senate Bill No. 5790 were placed on the third reading calendar.

#### MOTION

On motion of Senator Newhouse, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5998 by Senators Nelson and Johnson

Changing the definition of surviving spouse under LEOFF.

The bill was read the second time.

## MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Rasmussen was adopted:

On page 12, after line 28, insert the following:

NEW SECTION. Sec. 3. The 1991 amendment to RCW 41.26.030 in chapter --, Laws of 1991 1st ex. sess. (SB 5997) is hereby repealed.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections"

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5998 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, the second section of this bill appears to suggest that a former spouse of a law enforcement officer or fire fighter would not qualify to receive these retirement benefits, notwithstanding our state's community property law, unless that person had been married to the retiree for at least a period of thirty years. Isn't that a remarkable change in Washington State's community property law and how we address the problems of the apportionment of retirement benefits for spouses in a dissolution setting?"

Senator Nelson: "It is a change, but it is one that was intended to benefit a person who was being excluded from the benefits as a surviving spouse under a very unusual arrangement that was, in fact, a person married to a fire fighter for thirty years in the state of Washington, who is now deceased."

Senator Talmadge: "But, the appearance of this, Senator, is that no person who is the former spouse of a fire fighter or law enforcement officer, who qualified for the pension, would receive any benefits whatsoever, notwithstanding the community property law, unless that person had been married to the fire fighter or law enforcement officer for a period of thirty years. That's Section 2, sub B."

Senator Nelson: "This is the existing definition that we have in statute right now that we are reinstalling into the law. Section 2 is what we unfortunately repealed and now we are placing it back into statute. That has always been part of the definition of surviving spouse."

Senator Talmadge: "Even if it were part of the definition, it seems to me to be remarkably unfair that, for example, if a woman had been married to a man for twenty-five years and they went through a divorce situation, the court would be barred from apportioning a part of the pension benefits of that law enforcement officer or fire fighter to that spouse in the dissolution, because they hadn't been married for a full thirty years."



Senator Nelson: "I just can't answer that question without looking at it in more detail, Senator Talmadge, because this particular section is the one that has been in law for quite a number of years and this is the section that the Department of Retirement Systems indicates that we have to restore and put back in."

#### MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Bill No. 5998 was deferred.

#### SECOND READING

SENATE BILL NO. 5997 by Senators Nelson and A. Smith (by request of Statute Law Committee)

Correcting certain double amendments from the 1991 regular session.

The bill was read the second time.

#### MOTION

On motion of Senator Nelson, Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Niemi: "Madam President, would it be possible for us to take a peek at this bill before we vote on it? Could we hold this bill until we get a copy of it--hold voting on it?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "If there is no objection, the bill will be held."

#### MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5997 was deferred.

#### MOTIONS

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

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5985, which was referred to the Committee on Rules on the Reports of

the Standing Committees earlier today, was advanced to second reading and placed on the second reading calendar.

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 11:01 a.m. by President Pro Tempore Craswell.

MOTION

At 11:01 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Monday, June 24, 1991.

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

**FIFTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, June 24, 1991

The Senate was called to order at 11:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Owen, Saling and Stratton. On motion of Senator Murray, Senators Owen and Stratton were excused. On motion of Senator Anderson, Senator Saling was excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Fuson and Adam Gehrke, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

June 21, 1991

**MR. PRESIDENT:**

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.

Sincerely,  
ALAN THOMPSON, Chief Clerk

**INTRODUCTION AND FIRST READING**

**SB 6002** by Senators Thorsness, Metcalf, Oke, Hayner, Johnson, Sellar, Amondson, McCaslin, Craswell, Bailey and McDonald

**AN ACT** Relating to volunteer service; adding new sections to chapter 4.24 RCW; creating new sections; and repealing RCW 4.24.264.

Referred to Committee on Law and Justice.

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4422 by Representatives Hine, McLean, Spanel, Sheldon, H. Myers, Pruitt, Kremen, Jones, Franklin, Ludwig, Bray, Cole, Rayburn, Valle, Wynne, Neher, D. Sommers, Fraser, Leonard, Basich, Rasmussen and Anderson

Resolving that the joint committee on pension policy continue to review pension options.

Referred to Committee on Ways and Means.

## 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 Bill No. 5375.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5375 was placed on the third reading calendar.

## MOTION

At 11:06 a.m., on motion of Senator Newhouse, the Senate recessed until 11:30 a.m.

The Senate was called to order at 11:55 a.m. by President Pritchard.

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

## SECOND READING

HOUSE BILL NO. 1095 by Representatives Appelwick, Dellwo and Paris

Adding a new Article regarding funds transfers to the Uniform Commercial Code.

The bill was read the second time.

## MOTIONS

On motion of Senator von Reichbauer, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"PART 1  
SUBJECT MATTER AND DEFINITIONS"

NEW SECTION. Sec. 4A-101. SHORT TITLE. This Article may be cited as the Uniform Commercial Code--Funds Transfers.

NEW SECTION. Sec. 4A-102. SUBJECT MATTER. Except as otherwise provided in section 4A-108 of this act this Article applies to funds transfers defined in section 4A-104 of this act.

NEW SECTION. Sec. 4A-103. PAYMENT ORDER--DEFINITIONS. (1) In this Article:

(a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally, electronically, or in writing, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition of payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(b) "Beneficiary" means the person to be paid by the beneficiary's bank.

(c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(d) "Receiving bank" means the bank to which the sender's instruction is addressed.

(e) "Sender" means the person giving the instruction to the receiving bank.

(2) If an instruction complying with subsection (1)(a) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(3) A payment order is issued when it is sent to the receiving bank.

NEW SECTION. Sec. 4A-104. FUNDS TRANSFER--DEFINITIONS. In this Article:

(1) "Funds transfer" means the series of transactions, beginning with the originator's payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator's bank or an intermediary bank intended to carry out the originator's payment order. A funds transfer is completed by acceptance by the beneficiary's bank of a payment order for the benefit of the beneficiary of the originator's payment order.

(2) "Intermediary bank" means a receiving bank other than the originator's bank or the beneficiary's bank.

(3) "Originator" means the sender of the first payment order in a funds transfer.

(4) "Originator's bank" means (a) the receiving bank to which the payment order of the originator is issued if the originator is not a bank, or (b) the originator if the originator is a bank.

NEW SECTION. Sec. 4A-105. OTHER DEFINITIONS. (1) In this Article:

(a) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of the account.

(b) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this Article.

(c) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(d) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(e) "Funds-transfer system" means a wire transfer network, automated clearing house, or other communication system of a clearing house or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(8)).

(2) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"	section 4A-209 of this act
"Beneficiary"	section 4A-103 of this act
"Beneficiary's bank"	section 4A-103 of this act
"Executed"	section 4A-301 of this act
"Execution date"	section 4A-301 of this act
"Funds transfer"	section 4A-104 of this act
"Funds-transfer system rule"	section 4A-501 of this act
"Intermediary bank"	section 4A-104 of this act
"Originator"	section 4A-104 of this act
"Originator's bank"	section 4A-104 of this act
"Payment by beneficiary's bank to beneficiary"	section 4A-405 of this act
"Payment by originator to beneficiary"	section 4A-406 of this act
"Payment by sender to receiving bank"	section 4A-403 of this act
"Payment date"	section 4A-401 of this act
"Payment order"	section 4A-103 of this act
"Receiving bank"	section 4A-103 of this act
"Security procedure"	section 4A-201 of this act
"Sender"	section 4A-103 of this act

(3) The following definitions in Article 4 (RCW 62A.4-101 through 62A.4-504) apply to this Article:

"Clearing house"	section 4-104 of this act
"Item"	section 4-104 of this act
"Suspends payments"	sections 4-104 of this act

(4) In addition to Article 1 (RCW 62A.1-101 through 62A.1-208) contains general definitions and principles of construction and interpretation applicable throughout this Article.

**NEW SECTION. Sec. 4A-106. TIME PAYMENT ORDER IS RECEIVED.** (1) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in RCW 62A.1-201(27). A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a

payment order is received after the close of a funds-transfer business day or after the appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

(2) If this Article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this Article.

NEW SECTION. Sec. 4A-107. FEDERAL RESERVE REGULATIONS AND OPERATING CIRCULARS. Regulations of the board of governors of the federal reserve system and operating circulars of the federal reserve banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

NEW SECTION. Sec. 4A-108. EXCLUSION OF CONSUMER TRANSACTIONS GOVERNED BY FEDERAL LAW. This Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. Sec. 1693 et seq.) as amended from time to time.

## "PART 2 ISSUE AND ACCEPTANCE OF PAYMENT ORDER"

NEW SECTION. Sec. 4A-201. SECURITY PROCEDURE. "Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer is not by itself a security procedure.

NEW SECTION. Sec. 4A-202. AUTHORIZED AND VERIFIED PAYMENT ORDERS. (1) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(2) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (a) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (b) the bank proves that it accepted the payment order in good faith and in compliance with the security procedure and any written agreement or instruction of the customer restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a written agreement with the customer or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(3) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (a) the security procedure was chosen the customer after the bank offered, and the customer refused, a security procedure that was commercially

reasonable for that customer, and (b) the customer expressly agreed in writing to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the security procedure chosen by the customer.

(4) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (1) of this section, or it is effective as the order of the customer under subsection (2) of this section.

(5) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(6) Except as provided in this section and section 4A-203(1)(a) of this act, rights and obligations arising under this section or section 4A-203 of this act may not be varied by agreement.

**NEW SECTION. Sec. 4A-203. UNENFORCEABILITY OF CERTAIN VERIFIED PAYMENT ORDERS.** (1) If an accepted payment order is not, under section 4A-202(1) of this act, an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to section 4A-202(2) of this act, the following rules apply.

(a) By express written agreement, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(b) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(2) This section applies to amendments of payment orders to the same extent it applies to payment orders.

**NEW SECTION. Sec. 4A-204. REFUND OF PAYMENT AND DUTY OF CUSTOMER TO REPORT WITH RESPECT UNAUTHORIZED PAYMENT ORDER.**

(1) If a receiving bank accepts a payment order issued in the name of its customer as sender which is (a) not authorized and not effective as the order of the customer under section 4A-202 of this act, or (b) not enforceable, in whole or in part, against the customer under section 4A-203 of this act, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

(2) Reasonable time under subsection (1) of this section may be fixed by agreement as stated in RCW 62A.1-204(1), but the obligation of a receiving bank to refund payment as stated in subsection (1) may not otherwise be varied by agreement.

**NEW SECTION. Sec. 4A-205. ERRONEOUS PAYMENT ORDERS.** (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (a) erroneously instructed payment to a beneficiary not intended by the sender, (b) erroneously instructed payment in an amount



greater than the amount intended by the sender, or (c) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

(i) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 4A-206 of this act complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in (ii) and (iii) of this subsection.

(ii) If the funds transfer is completed on the basis of an erroneous payment order described in (b) or (c) of this subsection, the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(iii) If the funds transfer is completed on the basis of a payment order described in (b) of this subsection, the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.

(2) If (a) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (b) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

(3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

**NEW SECTION. Sec. 4A-206. TRANSMISSION OF PAYMENT ORDER THROUGH FUNDS-TRANSFER OR OTHER COMMUNICATION SYSTEM.** (1) If a payment order addressed to a receiving bank is transmitted to a funds-transfer system or other third-party communication system for transmittal to the bank, the system is deemed to be an agent of the sender for the purpose of transmitting the payment order to the bank. If there is a discrepancy between the terms of the payment order transmitted to the system and the terms of the payment order transmitted by the system to the bank, the terms of the payment order of the sender are those transmitted by the system. This section does not apply to a funds-transfer system of the federal reserve banks.

(2) This section applies to cancellations and amendments of payment orders to the same extent it applies to payment orders.

**NEW SECTION. Sec. 4A-207. MISDESCRIPTION OF BENEFICIARY.** (1) Subject to subsection (2) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(2) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(a) Except as otherwise provided in subsection (3) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(b) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary

except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(3) If (a) a payment order described in subsection (2) of this section is accepted, (b) the originator's payment order described the beneficiary inconsistently by name and number, and (c) the beneficiary's bank pays the person identified by number as permitted by subsection (2)(a) of this section, the following rules apply:

(i) If the originator is a bank, the originator is obliged to pay its order.

(ii) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(4) In a case governed by subsection (2)(a) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(a) If the originator is obliged to pay its payment order as stated in subsection (3) of this section, the originator has the right to recover.

(b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

**NEW SECTION. Sec. 4A-208. MISDESCRIPTION OF INTERMEDIARY BANK OR BENEFICIARY'S BANK.** (1) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(a) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(b) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(a) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (2)(a) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that

the sender, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(c) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(d) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in section 4A-302(1)(a) of this act.

**NEW SECTION. Sec. 4A-209. ACCEPTANCE OF PAYMENT ORDER.** (1) Subject to subsection (4) of this section, a receiving bank other than the beneficiary's bank accepts a payment order when it executes the order.

(2) Subject to subsections (3) and (4) of this section, a beneficiary's bank accepts a payment order at the earliest of the following times:

(a) When the bank (i) pays the beneficiary as stated in section 4A-405(1) or (2) of this act or (ii) notifies the beneficiary of receipt of the order or that the account of the beneficiary has been credited with respect to the order unless the notice indicates that the bank is rejecting the order or that funds with respect to the order may not be withdrawn or used until receipt of payment from the sender of the order;

(b) When the bank receives payment of the entire amount of the sender's order pursuant to section 4A-403(1)(a) or (b) of this act; or

(c) The opening of the next funds-transfer business day of the bank following the payment date of the order if, at that time, the amount of the sender's order is fully covered by a withdrawable credit balance in an authorized account of the sender or the bank has otherwise received full payment from the sender, unless the order was rejected before that time or is rejected within (i) one hour after that time, or (ii) one hour after the opening of the next business day of the sender following the payment date if that time is later. If notice of rejection is received by the sender after the payment date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the payment date to the day the sender receives notice or learns that the order was not accepted, counting that day as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest payable is reduced accordingly.

(3) Acceptance of a payment order cannot occur before the order is received by the receiving bank. Acceptance does not occur under subsection (2)(b) or (c) of this section if the beneficiary of the payment order does not have an account with the receiving bank, the account has been closed, or the receiving bank is not permitted by law to receive credits for the beneficiary's account.

(4) A payment order issued to the originator's bank cannot be accepted until the payment date if the bank is the beneficiary's bank, or the execution date if the bank is not the beneficiary's bank. If the originator's bank executes the originator's payment order before the execution date or pays the beneficiary of the originator's payment order before the payment date and the payment order is subsequently canceled pursuant to section 4A-211(2) of this act, the bank may recover from the beneficiary any payment received to the extent allowed by the law governing mistake and restitution.

**NEW SECTION. Sec. 4A-210. REJECTION OF PAYMENT ORDER.** (1) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally, electronically, or in writing. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the

notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (a) any means complying with the agreement is reasonable and (b) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(2) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to section 4A-211(4) of this act or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(3) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(4) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

**NEW SECTION. Sec. 4A-211. CANCELLATION AND AMENDMENT OF PAYMENT ORDER.** (1) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally, electronically, or in writing. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(2) Subject to subsection (1) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(3) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(a) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(b) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(4) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(5) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based

on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(6) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(7) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(8) A funds-transfer system rule is not effective to the extent it conflicts with subsection (3)(b) of this section.

**NEW SECTION. Sec. 4A-212. LIABILITY AND DUTY OF RECEIVING BANK REGARDING UNACCEPTED PAYMENT ORDER.** If a receiving bank fails to accept a payment order that is obliged by express agreement to accept, the bank is liable for breach of the agreement to the extent provided in the agreement or in this Article, but does not otherwise have any duty to accept a payment order or, before acceptance, to take any action, or refrain from taking action, with respect to the order except as provided in this Article or by express agreement. Liability based on acceptance arises only when acceptance occurs as stated in section 4A-209 of this act and liability is limited to that provided in this Article. A receiving bank is not the agent of the sender or beneficiary of the payment order it accepts, or of any other party to the funds transfer, and the bank owes no duty to any party to the funds transfer except as provided in this Article or by express agreement.

### "PART 3

#### EXECUTION OF SENDER'S PAYMENT ORDER BY RECEIVING BANK"

**NEW SECTION. Sec. 4A-301. EXECUTION AND EXECUTION DATE.** (1) A payment order is "executed" by the receiving bank when it issues a payment order intended to carry out the payment order received by the bank. A payment order received by the beneficiary's bank can be accepted but cannot be executed.

(2) "Execution date" of a payment order means the day on which the receiving bank may properly issue a payment order in execution of the sender's order. The execution date may be determined by instruction of the sender but cannot be earlier than the day the order is received and, unless otherwise determined, is the day the order is received. If the sender's instruction states a payment date, the execution date is the payment date or an earlier date on which execution is reasonably necessary to allow payment to the beneficiary on the payment date.

**NEW SECTION. Sec. 4A-302. OBLIGATIONS OF RECEIVING BANK IN EXECUTION OF PAYMENT ORDER.** (1) Except as provided in subsections (2) through (4) of this section, if the receiving bank accepts a payment order pursuant to section 4A-209(1) of this act, the bank has the following obligations in executing the order.

(a) The receiving bank is obliged to issue, on the execution date, a payment order complying with the sender's order and to follow the sender's instructions concerning (i) any intermediary bank or funds-transfer system to be used in carrying out the funds transfer, or (ii) the means by which payment orders are to be transmitted in the funds transfer. If the originator's bank issues a payment order to an intermediary bank, the originator's bank is obliged to instruct the intermediary bank according to the

instruction of the originator. An intermediary bank in the funds transfer is similarly bound by an instruction given to it by the sender of the payment order it accepts.

(b) If the sender's instruction states that the funds transfer is to be carried out telephonically or by wire transfer or otherwise indicates that the funds transfer is to be carried out by the most expeditious means, the receiving bank is obliged to transmit its payment order by the most expeditious available means, and to instruct any intermediary bank accordingly. If a sender's instruction states a payment date, the receiving bank is obliged to transmit its payment order at a time and by means reasonably necessary to allow payment to the beneficiary on the payment date or as soon thereafter as is feasible.

(2) Unless otherwise instructed, a receiving bank executing a payment order may (a) use any funds-transfer system if use of that system is reasonable in the circumstances, and (b) issue a payment order to the beneficiary's bank or to an intermediary bank through which a payment order conforming to the sender's order can expeditiously be issued to the beneficiary's bank if the receiving bank exercises ordinary care in the selection of the intermediary bank. A receiving bank is not required to follow an instruction of the sender designating a funds-transfer system to be used in carrying out the funds transfer if the receiving bank, in good faith, determines that it is not feasible to follow the instruction or that following the instruction would unduly delay completion of the funds transfer.

(3) Unless subsection (1)(b) of this section applies or the receiving bank is otherwise instructed, the bank may execute a payment order by transmitting its payment order by first class mail or by any means reasonable in the circumstances. If the receiving bank is instructed to execute the sender's order by transmitting its payment order by a particular means, the receiving bank may issue its payment order by the means stated or by any means as expeditious as the means stated.

(4) Unless instructed by the sender, (a) the receiving bank may not obtain payment of its charges for services and expenses in connection with the execution of the sender's order by issuing a payment order in an amount equal to the amount of the sender's order less the amount of the charges, and (b) may not instruct a subsequent receiving bank to obtain payment of its charges in the same manner.

**NEW SECTION. Sec. 4A-303. ERRONEOUS EXECUTION OF PAYMENT ORDER.** (1) A receiving bank that (a) executes the payment order of the sender by issuing a payment order in an amount greater than the amount of the sender's order, or (b) issues a payment order in execution of the sender's order and then issues a duplicate order, is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if that subsection is otherwise satisfied. The bank is entitled to recover from the beneficiary of the erroneous order the excess payment received to the extent allowed by the law governing mistake and restitution.

(2) A receiving bank that executes the payment order of the sender by issuing a payment order in an amount less than the amount of the sender's order is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if (a) that subsection is otherwise satisfied and (b) the bank corrects its mistake by issuing an additional payment order for the benefit of the beneficiary of the sender's order. If the error is not corrected, the issuer of the erroneous order is entitled to receive or retain payment from the sender of the order it accepted only to the extent of the amount of the erroneous order. This subsection does not apply if the receiving bank executes the sender's payment order by issuing a payment order in an amount less than the amount of the sender's order for the purpose of obtaining payment of its charges for services and expenses pursuant to instruction of the sender.

(3) If a receiving bank executes the payment order of the sender by issuing a payment order to a beneficiary different from the beneficiary of the sender's order and the funds transfer is completed on the basis of that error, the sender of the payment order that was erroneously executed and all previous senders in the funds transfer are

not obliged to pay the payment orders they issued. The issuer of the erroneous order is entitled to recover from the beneficiary of the order the payment received to the extent allowed by the law governing mistake and restitution.

**NEW SECTION. Sec. 4A-304. DUTY OF SENDER TO REPORT ERRONEOUSLY EXECUTED PAYMENT ORDER.** If the sender of a payment order that is erroneously executed as stated in section 4A-303 of this act receives notification from the receiving bank that the order was executed or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care to determine, on the basis of information available to the sender, that the order was erroneously executed and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the notification from the bank was received by the sender. If the sender fails to perform that duty, the bank is not obliged to pay interest on any amount refundable to the sender under section 4A-402(4) of this act for the period before the bank learns of the execution error. The bank is not entitled to any recovery from the sender on account of a failure by the sender to perform the duty stated in this section.

**NEW SECTION. Sec. 4A-305. LIABILITY FOR LATE OR IMPROPER EXECUTION OR FAILURE TO EXECUTE PAYMENT ORDER.** (1) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of section 4A-302 of this act results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(2) If execution of a payment order by a receiving bank in breach of section 4A-302 of this act results in (a) noncompletion of the funds transfer, (b) failure to use an intermediary bank designated by the originator, or (c) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (1) of this section, resulting from the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(3) In addition to the amounts payable under subsections (1) and (2) of this section, damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank.

(4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank, but are not otherwise recoverable.

(5) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (1) or (2) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (4) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (4) of this section is made and refused before an action is brought on the claim.

(6) Except as stated in this section, the liability of a receiving bank under subsections (1) and (2) of this section may not be varied by agreement.

#### "PART 4 PAYMENT"

**NEW SECTION. Sec. 4A-401. PAYMENT DATE.** "Payment date" of a payment order means the day on which the amount of the order is payable to the

beneficiary by the beneficiary's bank. The payment date may be determined by instruction of the sender but cannot be earlier than the day the order is received by the beneficiary's bank and, unless otherwise determined, is the day the order is received by the beneficiary's bank.

**NEW SECTION. Sec. 402. OBLIGATION OF SENDER TO PAY RECEIVING BANK.** (1) This section is subject to sections 4A-205 and 4A-207 of this act.

(2) With respect to a payment order issued to the beneficiary's bank, acceptance of the order by the bank obliges the sender to pay the bank the amount of the order, but payment is not due until the payment date of the order.

(3) This subsection is subject to subsection (5) of this section and to section 4A-303 of this act. With respect to a payment order issued to a receiving bank other than the beneficiary's bank, acceptance of the order by the receiving bank obliges the sender to pay the bank the amount of the sender's order. Payment by the sender is not due until the execution date of the sender's order. The obligation of that sender to pay its payment order is excused if the funds transfer is not completed by acceptance by the beneficiary's bank of a payment order instructing payment to the beneficiary of that sender's payment order.

(4) If the sender of a payment order pays the order and was not obliged to pay all or part of the amount paid, the bank receiving payment is obliged to refund payment to the extent the sender was not obliged to pay. Except as provided in sections 4A-204 and 4A-304 of this act, interest is payable on the refundable amount from the date of payment.

(5) If a funds transfer is not completed as stated in this subsection and an intermediary bank is obliged to refund payment as stated in subsection (4) of this section but is unable to do so because not permitted by applicable law or because the bank suspends payments, a sender in the funds transfer that executed a payment order in compliance with an instruction, as stated in section 4A-302(1)(a) of this section, to route the funds transfer through that intermediary bank is entitled to receive or retain payment from the sender of the payment order that it accepted. The first sender in the funds transfer that issued an instruction requiring routing through that intermediary bank is subrogated to the right of the bank that paid the intermediary bank to refund as stated in subsection (4) of this section.

(6) The right of the sender of a payment order to be excused from the obligation to pay the order as stated in subsection (3) of this section or to receive refund under subsection (4) of this section may not be varied by agreement.

**NEW SECTION. Sec. 4A-403. PAYMENT BY SENDER TO RECEIVING BANK.** (1) Payment of the sender's obligation under section 4A-402 of this act to pay the receiving bank occurs as follows:

(a) If the sender is a bank, payment occurs when the receiving bank receives final settlement of the obligation through a federal reserve bank or through a funds-transfer system.

(b) If the sender is a bank and the sender (i) credited an account of the receiving bank with the sender, or (ii) caused an account of the receiving bank in another bank to be credited, payment occurs when the credit is withdrawn or, if not withdrawn, at midnight of the day on which the credit is withdrawable and the receiving bank learns of that fact.

(c) If the receiving bank debits an account of the sender with the receiving bank, payment occurs when the debit is made to the extent the debit is covered by a withdrawable credit balance in the account.

(2) If the sender and receiving bank are members of a funds-transfer system that nets obligations multilaterally among participants, the receiving bank receives final settlement when settlement is complete in accordance with the rules of the system. The obligation of the sender to pay the amount of a payment order transmitted through the funds-transfer system may be satisfied, to the extent permitted by the rules of the



system, by setting off and applying against the sender's obligation the right of the sender to receive payment from the receiving bank of the amount of any other payment order transmitted to the sender by the receiving bank through the funds-transfer system. The aggregate balance of obligations owed by each sender to each receiving bank in the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against that balance the aggregate balance of obligations owed to the sender by other members of the system. The aggregate balance is determined after the right of setoff stated in the second sentence of this subsection has been exercised.

(3) If two banks transmit payment orders to each other under an agreement that settlement of the obligations of each bank to the other under section 4A-402 of this act will be made at the end of the day or other period, the total amount owed with respect to all orders transmitted by one bank shall be set off against the total amount owed with respect to all orders transmitted by the other bank. To the extent of the setoff, each bank has made payment to the other.

(4) In a case not covered by subsection (1) of this section, the time when payment of the sender's obligation under section 4A-402 (2) or (3) of this act occurs is governed by applicable principles of law that determine when an obligation is satisfied.

**NEW SECTION. Sec. 4A-404. OBLIGATION OF BENEFICIARY'S BANK TO PAY AND GIVE NOTICE TO BENEFICIARY.** (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, if a beneficiary's bank accepts a payment order, the bank is obliged to pay the amount of the order to the beneficiary of the order. Payment is due on the payment date of the order, but if acceptance occurs on the payment date after the close of the funds-transfer business day of the bank, payment is due on the next funds-transfer business day. If the bank refuses to pay after demand by the beneficiary and receipt of notice of particular circumstances that will give rise to consequential damages as a result of nonpayment, the beneficiary may recover damages resulting from the refusal to pay to the extent the bank had notice of the damages, unless the bank proves that it did not pay because of a reasonable doubt concerning the right of the beneficiary to payment.

(2) If a payment order accepted by the beneficiary's bank instructs payment to an account of the beneficiary, the bank is obliged to notify the beneficiary of receipt of the order before midnight of the next funds-transfer business day following the payment date. If the payment order does not instruct payment to an account of the beneficiary, the bank is required to notify the beneficiary only if notice is required by the order. Notice may be given by first class mail or any other means reasonable in the circumstances. If the bank fails to give the required notice, the bank is obliged to pay interest to the beneficiary on the amount of the payment order from the day notice should have been given until the day the beneficiary learned of receipt of the payment order by the bank. No other damages are recoverable. Reasonable attorneys' fees are also recoverable if demand for interest is made and refused before an action is brought on the claim.

(3) The right of a beneficiary to receive payment and damages as stated in subsection (a) may not be varied by agreement or a funds-transfer system rule. The right of a beneficiary to be notified as stated in subsection (2) of this section may be varied by agreement of the beneficiary or by a funds-transfer system rule if the beneficiary is notified of the rule before initiation of the funds transfer.

**NEW SECTION. Sec. 4A-405. PAYMENT BY BENEFICIARY'S BANK TO BENEFICIARY.** (1) If the beneficiary's bank credits an account of the beneficiary of a payment order payment of the bank's obligation under section 4A-404(1) of this act occurs when and to the extent (a) the beneficiary is notified of the right to withdraw the credit, (b) the bank lawfully applies the credit to a debt of the beneficiary, or (c)

funds with respect to the order are otherwise made available to the beneficiary by the bank.

(2) If the beneficiary's bank does not credit an account of the beneficiary of a payment order, the time when payment of the bank's obligation under section 4A-404(1) of this act occurs is governed by principles of law that determine when an obligation is satisfied.

(3) Except as stated in subsections (4) and (5) of this act, if the beneficiary's bank pays the beneficiary of a payment order under a condition to payment or agreement of the beneficiary giving the bank the right to recover payment from the beneficiary if the bank does not receive payment of the order, the condition to payment or agreement is not enforceable.

(4) A funds-transfer system rule may provide that payments made to beneficiaries of funds transfers made through the system are provisional until receipt of payment by the beneficiary's bank of the payment order it accepted. A beneficiary's bank that makes a payment that is provisional under the rule is entitled to refund from the beneficiary if (a) the rule requires that both the beneficiary and the originator be given notice of the provisional nature of the payment before the funds transfer is initiated, (b) the beneficiary, the beneficiary's bank and the originator's bank agreed to be bound by the rule, and (c) the beneficiary's bank did not receive payment of the payment order that it accepted. If the beneficiary is obliged to refund payment to the beneficiary's bank, acceptance of the payment order by the beneficiary's bank is nullified and no payment by the originator of the funds transfer to the beneficiary occurs under section 4A-406 of this act.

(5) This subsection applies to a funds transfer that includes a payment order transmitted over a funds-transfer system that (a) nets obligations multilaterally among participants, and (b) has in effect a loss-sharing agreement among participants for the purpose of providing funds necessary to complete settlement of the obligations of one or more participants that do not meet their settlement obligations. If the beneficiary's bank in the funds transfer accepts a payment order and the system fails to complete settlement pursuant to its rules with respect to any payment order in the funds transfer, (i) the acceptance by the beneficiary's bank is nullified and no person has any right or obligation based on the acceptance, (ii) the beneficiary's bank is entitled to recover payment from the beneficiary, (iii) no payment by the originator to the beneficiary occurs under section 4A-406 of this act, and (iv) subject to section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(3) of this act because the funds transfer has not been completed.

**NEW SECTION. Sec. 4A-406. PAYMENT BY ORIGINATOR TO BENEFICIARY; DISCHARGE OF UNDERLYING OBLIGATION.** (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, the originator of a funds transfer pays the beneficiary of the originator's payment order (a) at the time a payment order for the benefit of the beneficiary is accepted by the beneficiary's bank in the funds transfer and (b) in an amount equal to the amount of the order accepted by the beneficiary's bank, but not more than the amount of the originator's order.

(2) If payment under subsection (1) of this section is made to satisfy an obligation, the obligation is discharged to the same extent discharge would result from payment to the beneficiary of the same amount in money, unless (a) the payment under subsection (1) of this section was made by a means prohibited by the contract of the beneficiary with respect to the obligation, (b) the beneficiary, within a reasonable time after receiving notice of receipt of the order by the beneficiary's bank, notified the originator of the beneficiary's refusal of the payment, (c) funds with respect to the order were not withdrawn by the beneficiary or applied to a debt of the beneficiary, and (d) the beneficiary would suffer a loss that could reasonably have been avoided

if payment had been made by a means complying with the contract. If payment by the originator does not result in discharge under this section, the originator is subrogated to the rights of the beneficiary to receive payment from the beneficiary's bank under section 4A-404(1) of this act.

(3) For the purpose of determining whether discharge of an obligation occurs under subsection (2) of this section, if the beneficiary's bank accepts a payment order in an amount equal to the amount of the originator's payment order less charges of one or more receiving banks in the funds transfer, payment to the beneficiary is deemed to be in the amount of the originator's order unless upon demand by the beneficiary the originator does not pay the beneficiary the amount of the deducted charges.

(4) Rights of the originator or of the beneficiary of a funds transfer under this section may be varied only by agreement of the originator and the beneficiary.

## "PART 5 MISCELLANEOUS PROVISIONS"

**NEW SECTION. Sec. 4A-501. VARIATION BY AGREEMENT AND EFFECT OF FUNDS-TRANSFER SYSTEM RULE.** (1) Except as otherwise provided in this Article, the rights and obligations of a party to a funds transfer may be varied by agreement of the affected party.

(2) "Funds-transfer system rule" means a rule of an association of banks (a) governing transmission of payment orders by means of a funds-transfer system of the association or rights and obligations with respect to those orders, or (b) to the extent the rule governs rights and obligations between banks that are parties to a funds transfer in which a federal reserve bank, acting as an intermediary bank, sends a payment order to the beneficiary's bank. Except as otherwise provided in this Article, a funds-transfer system rule governing rights and obligations between participating banks using the system may be effective even if the rule conflicts with the Article and indirectly affects another party to the funds transfer who does not consent to the rule. A funds-transfer system rule may also govern rights and obligations of parties other than participating banks using the system to the extent stated in sections 4A-404(3), 4A-405(4), and 4A-507(3) of this act.

**NEW SECTION. Sec. 4A-502. CREDITOR PROCESS SERVED ON RECEIVING BANK; SETOFF BY BENEFICIARY'S BANK.** (1) As used in this section, "creditor process" means levy, attachment, garnishment, notice of lien, sequestration, or similar process issued by or on behalf of a creditor or other claimant with respect to an account.

(2) This subsection applies to creditor process with respect to an authorized account of the sender of a payment order if the creditor process is served on the receiving bank. For the purpose of determining rights with respect to the creditor process, if the receiving bank accepts the payment order the balance in the authorized account is deemed to be reduced by the amount of the payment order to the extent the bank did not otherwise receive payment of the order, unless the creditor process is served at the time and in a manner affording the bank a reasonable opportunity to act on it before the bank accepts the payment order.

(3) If a beneficiary's bank has received a payment order for payment to the beneficiary's account in the bank, the following rules apply:

(a) The bank may credit the beneficiary's account. The amount credited may be set off against an obligation owed by the beneficiary to the bank or may be applied to satisfy creditor process served on the bank with respect to the account.

(b) The bank may credit the beneficiary's account and allow withdrawal of the amount credited unless creditor process with respect to the account is served at the time and in a manner affording the bank a reasonable opportunity to act to prevent withdrawal.

(c) If creditor process with respect to the beneficiary's account has been served and the bank has had a reasonable opportunity to act on it, the bank may not reject the payment order except for a reason unrelated to the service of process.

(4) Creditor process with respect to a payment by the originator to the beneficiary pursuant to a funds transfer may be served only on the beneficiary's bank with respect to the debt owed by that bank to the beneficiary. Any other bank served with the creditor process is not obliged to act with respect to the process.

**NEW SECTION. Sec. 4A-503. INJUNCTION OR RESTRAINING ORDER WITH RESPECT TO FUNDS TRANSFER.** For proper cause and in compliance with applicable law, a court may restrain (1) a person from issuing a payment order to initiate a funds transfer, (2) an originator's bank from executing the payment order of the originator, or (3) the beneficiary's bank from releasing funds to the beneficiary or the beneficiary from withdrawing the funds. A court may not otherwise restrain a person from issuing a payment order, paying or receiving payment of a payment order, or otherwise acting with respect to a funds transfer.

**NEW SECTION. Sec. 4A-504. ORDER IN WHICH ITEMS AND PAYMENT ORDERS MAY BE CHARGED TO ACCOUNT; ORDER OF WITHDRAWALS FROM ACCOUNT.** (1) If a receiving bank has received more than one payment order of the sender or one or more payment orders and other items that are payable from the sender's account, the bank may charge the sender's account with respect to the various orders and items in any sequence.

(2) In determining whether a credit to an account has been withdrawn by the holder of the account or applied to a debt of the holder of the account, credits first made to the account are first withdrawn or applied.

**NEW SECTION. Sec. 4A-505. PRECLUSION OF OBJECTION TO DEBIT OF CUSTOMER'S ACCOUNT.** If a receiving bank has received payment from its customer with respect to a payment order issued in the name of the customer as sender and accepted by the bank, and the customer received notification reasonably identifying the order, the customer is precluded from asserting that the bank is not entitled to retain the payment unless the customer notifies the bank of the customer's objection to the payment within one year after the notification was received by the customer.

**NEW SECTION. Sec. 4A-506. RATE OF INTEREST.** (1) If, under this Article, a receiving bank is obliged to pay interest with respect to a payment order issued to the bank, the amount payable may be determined (a) by agreement of the sender and receiving bank, or (b) by a funds-transfer system rule if the payment order is transmitted through a funds-transfer system.

(2) If the amount of interest is not determined by an agreement or rule as stated in subsection (1) of this section, the amount is calculated by multiplying the applicable federal funds rate by the amount on which interest is payable, and then multiplying the product by the number of days for which interest is payable. The applicable federal funds rate is the average of the federal funds rates published by the federal reserve bank of New York for each of the days for which interest is payable divided by three hundred sixty. The federal funds rate for any day on which a published rate is not available is the same as the published rate for the next preceding day for which there is a published rate. If a receiving bank that accepted a payment order is required to refund payment to the sender of the order because the funds transfer was not completed, but the failure to complete was not due to any fault by the bank, the interest payable is reduced by a percentage equal to the reserve requirement on deposits of the receiving bank.

**NEW SECTION. Sec. 4A-507. CHOICE OF LAW.** (1) The following rules apply unless the affected parties otherwise agree or subsection (3) of this section applies;

(a) The rights and obligations between the sender of a payment order and the receiving bank are governed by the law of the jurisdiction in which the receiving bank is located.

(b) The rights and obligations between the beneficiary's bank and the beneficiary are governed by the law of the jurisdiction in which the beneficiary's bank is located.

(c) The issue of when payment is made pursuant to a funds transfer by the originator to the beneficiary is governed by the law of the jurisdiction in which the beneficiary's bank is located.

(2) If the parties described in each paragraph of subsection (1) of this section have made an agreement selecting the law of a particular jurisdiction to govern rights and obligations between each other, the law of that jurisdiction governs those rights and obligations, whether or not the payment order or the funds transfer bears a reasonable relation to that jurisdiction.

(3) A funds-transfer system rule may select the law of a particular jurisdiction to govern (a) rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or (b) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system. A choice of law made pursuant to (a) of this subsection is binding on participating banks. A choice of law made pursuant to (b) of this subsection is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

(4) In the event of inconsistency between an agreement under subsection (2) of this section and a choice-of-law rule under subsection (3) of this section, the agreement under subsection (2) of this section prevails.

(5) If a funds transfer is made by use of more than one funds-transfer system and there is inconsistency between choice-of-law rules of the systems, the matter in issue is governed by the law of the selected jurisdiction that has the most significant relationship to the matter in issue.

**NEW SECTION. Sec. 4A-508.** Sections 4A-101 through 4A-507 of this act shall constitute a new Article in Title 62A RCW."

On motion of Senator von Reichbauer the following title amendment was adopted:

On page 1, line 1 of the title, after "transfer;" strike the remainder of the title and insert "and adding a new Article to Title 62A RCW."

## MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1095, 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. 1095, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1095, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Voguild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Saling, Stratton - 3.

HOUSE BILL NO. 1095, 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. 2214 by Representatives Haugen, Prince, Wang and Edmondson (by request of Task Force on City/County Finances)

Defining criminal justice purposes for the municipal criminal justice assistance account.

The bill was read the second time.

### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson be adopted:

On page 3, after line 9, insert a new section to read as follows:

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

Beginning in January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available.

Renumber the remaining sections consecutively and correct internal cross-references.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Nelson on page 3, after line 9, to House Bill No. 2214.

The motion by Senator Talmadge carried and the amendment was adopted.

### MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, following "320;" add "adding a new section to chapter 82.14 RCW;"

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2214, 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. 2214, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators Owen, Saling, Stratton - 3.

HOUSE BILL NO. 2214, 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 advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 5997, deferred on third reading June 21, 1991.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5997.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler,

Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Saling, Stratton - 3.

SENATE BILL NO. 5997, having received the 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 CONCURRENT RESOLUTION NO. 8416 by Senators Nelson and Talmadge

Resolving to create the Washington Condominium Task Force.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8416.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8416, and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Saling, Stratton - 3.

SENATE CONCURRENT RESOLUTION NO. 8416, having received the constitutional majority, was declared passed.

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



## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790 by Senate Committee on Financial Institutions and Insurance (originally sponsored by Senators von Reichbauer, Pelz, Moore, Vognil, Rasmussen, McCaslin, Johnson and West)

Concerning automobile liability insurance.

The bill was read the third time.

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. 5790.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5790, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Sellar, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West - 40.

Voting nay: Senators Conner, Matson, Rasmussen, Skratek, Williams, Wojahn - 6.

Excused: Senators Owen, Saling, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, having received the 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. 5718, by Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer

Establishing purple heart recipient recognition day.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5718.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5718, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Saling, Stratton - 3.

SENATE BILL NO. 5718, having received the 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 of order of business.

## SECOND READING

SENATE BILL NO. 5985, by Senator West

Changing requirements for institutional plans for higher education health care training.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following amendment was adopted:

On page 2, line 7, beginning with "attempted" strike all material through "rules." on line 8 and insert "made a good faith effort to obtain approval for such changes. If the institution is unable to obtain approval from the accrediting agency, it shall present to the committee an alternative proposal with changes that meet the objectives of the state-wide and institutional plans and has the approval of the accrediting agency."

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 5985 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. 5985.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5985, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Saling, Stratton - 3.

ENGROSSED SENATE BILL NO. 5985, having received the 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.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5998, deferred on third reading June 21, 1991.

Debate ensued.

#### MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5998.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5998, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, Sellar, A. Smith, L. Smith, Snyder, Thorsness, von Reichbauer, West, Wojahn - 34.

Voting nay: Senators Bauer, Conner, Jesernig, McMullen, Moore, Murray, Pelz, Skratek, Sutherland, Talmadge, Williams - 11.

Excused: Senators Owen, Saling, Stratton, Vognild - 4.

ENGROSSED SENATE BILL NO. 5998, having received the 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. 5989, which was on the second reading calendar, was referred to the Committee on Rules.

#### MOTION

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

#### MOTION

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

## SENATE RESOLUTION 1991-8699

By Senators Hayner, Sellar and Rasmussen

WHEREAS, The 4-man rowing crew of the Mt. Baker Rowing Club won first place in the Junior National division of the U.S. Rowing Championship Regatta in Indianapolis, Indiana, June 22 and 23; and

WHEREAS, Their victory in the championship secured their position as the top 4-man-with-coxswain junior rowing team in the United States; and

WHEREAS, The 4-man team is made up of Coxswain Greg Allison and rowers Ryan Allison, Tyler Davidson, Elie Finegold and Evan McDonald, all of whom showed outstanding competitiveness, skill and strength throughout the several days of racing; and

WHEREAS, The 2-man rowing team of Ryan Allison and Elie Finegold also won top honors in the junior men's pair competition; and

WHEREAS, The 8-man team, with the aforementioned rowers plus fellow athletes Cameron Janes, Clay Robinson, Aaron Schubach, Ben Slothower and Coxswain Joy Carpine finished the Regatta as the fourth-best 8-man junior rowing team in the nation; and

WHEREAS, Evan McDonald is the son of Senator Dan and Janie McDonald of Bellevue;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Evan McDonald and the 2-, 4-, and 8-man rowing teams of the Mt. Baker Rowing Club, and their coach, Sara Nevin, are hereby congratulated on their outstanding achievements; and

BE IT FURTHER RESOLVED, That Senator Dan McDonald and his wife, Janie, are congratulated on the remarkable effort put forth by their son, Evan, and that the parents of all the members of the Mt. Baker Rowing Club be congratulated on the efforts and fortitude of their children; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Senator and Mrs. McDonald, Evan McDonald, Coach Nevin, and all members of the Mt. Baker Rowing Club.

Senators Hayner and McDonald spoke to Senate Resolution 1991-8699.

## MOTION.

On motion of Senator Newhouse, the Senate reverted to the first order of business.

## REPORTS OF STANDING COMMITTEES

June 24, 1991

SB 5986

Prime Sponsor, Senator Wojahn: Expanding the duties of tenants under the landlord-tenant act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5986 be substitute therefor, and the substitute bill do pass. Signed by Senators Nelson,

Chairman; Thorsness, Vice Chairman; Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

HOLD.

June 24, 1991

SB 5996 Prime Sponsor, Senator Nelson: Making adjustments to child support guidelines. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substitute therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

HOLD.

June 19, 1991

SCR 8409 Prime Sponsor, Senator Metcalf: Creating a joint select committee on the department of wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5986, Senate Bill No. 5996 and Senate Concurrent Resolution No. 8409 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 12:49 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m., Tuesday, June 25, 1991.

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

**SIXTEENTH DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia, Tuesday, June 25, 1991

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Saling and Stratton. On motion of Senator Murray, Senators Conner and Stratton were excused. On motion of Senator Anderson, Senator Saling was excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Shallow and Brad Reisnger, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God 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 AND FIRST READING**

SB 6003 by Senator Williams

AN ACT Relating to the rate of interest for delinquent property taxes; amending RCW 84.56.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6004 by Senator Hayner

AN ACT Relating to compacts negotiated under the Indian Gaming Regulatory Act of 1988; adding new sections to chapter 9.46 RCW; and declaring an emergency.

HOLD.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

ESHB 1330 by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland) (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

HOLD.

SHB 1909 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Paris and R. Johnson) (by request of Insurance Commissioner)

Increasing the capital and surplus requirements of insurance companies.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6004, Engrossed Substitute House Bill No. 1330 and Substitute House Bill No. 1909 were advanced to second reading and placed on the second reading calendar.

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

#### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1991-8697

By Senators von Reichbauer, Gaspard, Rasmussen, Wojahn, Madsen and Johnson

WHEREAS, More than one hundred years ago, Father Peter Francis Hylebos anticipated the rapid growth and development of what is now the Tacoma area and invited the Sisters of St. Francis of Philadelphia to travel west and found a much-needed hospital; and

WHEREAS, The Sisters founded St. Joseph Hospital near the shores of Commencement Bay and admitted the hospital's first patient in August of 1891; and

WHEREAS, During the remainder of that year, fifty-one patients were served in a new 60-bed hospital; and

WHEREAS, Today, one hundred years later, St. Joseph Hospital and Health Care Center is a 340-bed non-profit health care facility admitting nearly 15,000 patients, delivering 2,083 babies, providing emergency medical treatment to nearly 30,000 people and accommodating almost 150,000 outpatient service visits EACH YEAR; and

WHEREAS, St. Joseph Hospital employs twenty-one hundred people and serves six hundred eighty-five physicians with medical staff privileges; and

WHEREAS, St. Joseph Hospital's equipment, technology and staff enable them to provide the widest possible range of medical treatment, including a

cancer treatment center, five family birthing suites, firefighters burn center (a regional referral center for burn care), mental health services, rehabilitation services and home health care services; and

WHEREAS, St. Joseph Hospital has grown with Tacoma, with new buildings completed in 1975, 1982 and 1985, and will grow yet again this summer with the completion of the Western Clinic building, housing Tacoma's largest group practice of primary care physicians; and

WHEREAS, In addition to providing health care services for thousands of families in the South Puget Sound region, St. Joseph Hospital also serves to improve the health and well-being of its community; and

WHEREAS, The hospital provides such outreach programs as the Youth Employment Project in Tacoma's Hilltop neighborhood, the SMART reading tutor Program at McCarver Elementary School and the Hilltop Community Health and Resource Fair, all benefitting youth and families in the Tacoma area;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that on the occasion of St. Joseph Hospital and Health Care Center's Centennial Year, administrators and staff from the past and present are congratulated on one hundred years of improving the health, the lives and the communities of Tacoma and the South Puget Sound region, and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Sisters of St. Francis and the Trustees and Administrators of St. Joseph Hospital and Health Care Center with our best wishes for another one hundred years of making people's lives better.

Senators von Reichbauer and Wojahn spoke to Senate Resolution 1991-8697.

### INTRODUCTION OF SPECIAL GUESTS

The President introduced Sister Ann McNamara and Sister Philomena Glynn, members of the Sisters of St. Francis and on the staff of St. Joseph Hospital in Tacoma, who were seated on the rostrum.

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

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5644, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, A. Smith and Madsen)

Regulating adult entertainment.



## MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5644 was returned to second reading and read the second time.

Senator Nelson moved that the following amendment by Senators Nelson, Rasmussen and Madsen be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

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

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

**NEW SECTION. Sec. 3.** (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an

adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter. Subsequent violations of this subsection within a two-year period constitute a class C felony.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

**NEW SECTION. Sec. 4.** (1) Each owner, operator, manager, or agent of a business must obtain and maintain a business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two recent passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) the nature of the proposed business; (e) the trade name of the proposed business; (f) location of the proposed business; (g) a list of all prior business license numbers; (h) a record of all prior criminal convictions for any offense listed under section 21(1) of this act; and (i) such other information as the department may require by rule.

(3) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 29 of this act.

(4) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

**NEW SECTION. Sec. 5.** (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who knowingly has failed to provide information reasonably necessary for issuance of the business license or who with an intent to misrepresent has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to

be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) Shall establish a buffer zone less than that established in (a) of this subsection if an applicant submits adequate documentation supporting a variance from the buffer zone and the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town, or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

**NEW SECTION. Sec. 6.** (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

**NEW SECTION. Sec. 7.** (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

**NEW SECTION. Sec. 8.** The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

**NEW SECTION. Sec. 9.** (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

**NEW SECTION. Sec. 10.** (1) A person who is named on a business license may not assign or transfer, in whole or in part, his or her interest in the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of the deceased licensee. The transfer permitted under this subsection must be reported to the department within thirty days of the transfer. The department shall charge a fee established under RCW 43.24.086 of at least seventy-five dollars for the processing of a transfer.

(2) At the expiration of the transferred license, the surviving spouse must meet the requirements of this chapter.

**NEW SECTION. Sec. 11.** The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

**NEW SECTION. Sec. 12.** (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; (v) a list of all prior performer's license numbers; (vi) a record of all prior criminal convictions for any offense listed under section 21(1) of this act; and (vii) such other information as the department may require by rule.

(b) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 29 of this act.

(c) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A person who is under eighteen years of age;

(b) A person who knowingly has failed to provide information reasonably necessary for issuance of the license or who with an intent to misrepresent has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

**NEW SECTION. Sec. 13.** Every business licensed under section 5 of this act shall file monthly reports with the department pursuant to rule. The reports shall

include the following: (1) The name, address, date of birth, and the performer's license number for all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

**NEW SECTION. Sec. 14.** An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

**NEW SECTION. Sec. 15.** No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon the gross business receipts of any firm within the city, town, or county.

**NEW SECTION. Sec. 16.** The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 21 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

**NEW SECTION. Sec. 17.** A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

**NEW SECTION. Sec. 18.** (1) If the department determines, upon investigation pursuant to section 17 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

**NEW SECTION. Sec. 19.** The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 18 of this act.

**NEW SECTION. Sec. 20.** (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 21 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the license;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Censure or reprimand;
- (d) Compliance with conditions of probation for a designated period of time;
- (e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;
- (f) Denial of the license request.

(2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

**NEW SECTION. Sec. 21.** The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder or applicant, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, an assault under chapter 9A.36 RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, a drug offense under chapter 69.41, 69.50, 69.52, or 69.53 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state or federal statute. Conviction in a

criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction means an adjudication of guilt pursuant to Title 10 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

(a) Not furnishing any requested papers or documents;

(b) Not furnishing in writing a full and complete explanation regarding the matter under investigation upon written request of the department; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

**NEW SECTION. Sec. 22.** (1) The director shall investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same authority as provided the director under section 16 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

**NEW SECTION. Sec. 23.** A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction

and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

**NEW SECTION. Sec. 24.** (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities or officials of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

**NEW SECTION. Sec. 25.** Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

**NEW SECTION. Sec. 26.** It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

**NEW SECTION. Sec. 27.** It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

**NEW SECTION. Sec. 28.** Sections 1 through 27 of this act shall constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 29.** A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under section 21(1) of this act for any applicant or for a license holder who is the subject of an investigation under section 17 of this act.

**Sec. 30.** RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of ((~~twenty-five~~)) fifty thousand dollars or these profits.

**Sec. 31.** RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and 1991 c 23 s 10 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested



with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and section 12, chapter 87, Laws of 1991.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Identifying information provided by an applicant under section 12(1) of this act except to the extent necessary to carry out the responsibilities of the department of licensing under chapter 18.---RCW (sections 1 through 27 of this act), or to comply with a request from another governmental entity, or to comply with a court order.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 32.** 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. 33.** This act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that this act is implemented on January 1, 1992.

## POINT OF INQUIRY

Senator Niemi: "Senator Nelson, under the definition of adult entertainment in this statute, is it your intent that it be applied to dance touring groups that perform in places such as Meany Hall and the Paramount or the Fifth Avenue Theater?"

Senator Nelson: "No."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson, Rasmussen and Madsen to Substitute Senate Bill No. 5644.

The motion by Senator Nelson carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 7.48A.040; reenacting and amending RCW 42.17.310; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5644 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. 5644.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Moore - 1.

Excused: Senators Conner, Saling, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, having received the 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 Murray, Senator Madsen was excused.

## THIRD READING

ENGROSSED SENATE BILL NO. 5940, by Senators Hayner, Bailey, Roach, Craswell, Oke, Erwin, Johnson, Bluechel, Barr, Cantu and Metcalf

Requiring legislative approval for lottery or electronic gambling devices.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5940.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, McDonald, Metcalf, Newhouse, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West, Wojahn - 27.

Voting nay: Senators Amondson, Bauer, Hansen, Matson, McCaslin, McMullen, Moore, Murray, Nelson, Niemi, Owen, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams - 18.

Excused: Senators Conner, Madsen, Saling, Stratton - 4.

ENGROSSED SENATE BILL NO. 5940, having received the 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

June 19, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5444 with the following amendment(s):

On page 2, line 17, after "bank, a" insert "natural person whose account is primarily for personal, family, or household purposes who does not within one year and any other"

On page 2, line 17, after "within" strike "~~((sixty days))~~ one year" and insert "sixty days", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Senate Bill No. 5444.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Bill No. 5444.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 5444.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5444, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5444, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Conner, Madsen, Saling, Stratton - 4.

SENATE BILL NO. 5444, 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 President advanced the Senate to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1991-8698

By Senators Snyder and L. Smith

WHEREAS, The Washington State Senate notes that the fiftieth anniversary of the operation of the Reynolds Metals Company near Longview, Washington, in Cowlitz County, will be held on September 13 and 14, 1991; and

WHEREAS, Reynolds Metals Company, a producer of metals and other materials through its worldwide operations is a progressive company serving growth industries, and is dedicated to superior product quality and technological leadership, having been founded in 1919 as U. S. Foil Company and incorporated in 1928 under its present name, and becoming one of the

world's largest producers of aluminum and aluminum products with 30,800 employees at more than one hundred operations in twenty countries, including sixty-four plants in the United States, and a total production capacity of more than 1 million tons; and

WHEREAS, Reynolds Metals Company is the world's leader in aluminum can-making technology, and is a pioneer and leader in aluminum can recycling with the nation's largest consumer recycling network; and

WHEREAS, Reynolds Metals Company established its Longview Reduction Plant in 1941, because of a volatile world situation which made necessary an increase in the country's aluminum capacity in order to strengthen America for the inevitable world struggle; and

WHEREAS, Reynolds operations in Cowlitz County, Washington, being comprised of the Longview Reduction Plant and the Longview Cable Plant and employs twelve hundred people and pays over \$61 million in annual wages and benefits and spends over \$20 million in local purchases; and

WHEREAS, Reynolds also operates an aluminum can manufacturing facility, a sales office, and a can recycling center near Seattle; and

WHEREAS, The management and employees of Reynolds are actively involved in the improvement of the Longview area, and take great pride in working with local charities and organizations to make Longview a better place in which to live and work;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to congratulate the management and employees of Reynolds Metals Company on its sterling record, its economic base to the Longview area and the state of Washington, and its numerous and notable contributions to the Longview/Kelso area and the state on the occasion of their fiftieth anniversary celebration, and wishes them every future success.

Senators Snyder and Linda Smith spoke to Senate Resolution 1991-8698.

#### MOTION

At 2:27 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:14 p.m. by President Pro Tempore Craswell.

#### MOTIONS

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

On motion of Senator Newhouse, the rules were suspended and the Committee on Financial Institutions and Insurance was relieved of further consideration of Substitute House Bill No. 1907.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1907 was advanced to second reading and placed on the second reading calendar.

MOTION

At 4:15 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m., Wednesday, June 26, 1991.

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

## SEVENTEENTH DAY

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## AFTERNOON SESSION

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Senate Chamber, Olympia, Wednesday, June 26, 1991

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald, Saling, Linda Smith, Stratton and West. On motion of Senator Murray, Senator Stratton was excused. On motion of Senator Anderson, Senators Saling and Linda Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brittany Hagen and Ron Sundby, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God 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 AND FIRST READING

SB 6005 by Senators Moore and Rinehart

AN ACT Relating to making ample provision for the education of all children; and amending RCW 28A.150.210.

Referred to Committee on Education.

SCR 8417 by Senators Barr, Hansen and Anderson

Creating the joint select committee on Lake Roosevelt.

HOLD.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to second reading and placed on the second reading calendar.



## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5444.

## MOTION

At 1:38 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:10 p.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5986, by Senators Wojahn, Newhouse and Rasmussen

Expanding the duties of tenants under the landlord-tenant act.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5986 was substituted for Senate Bill No. 5986 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendment by Senator A. Smith and Wojahn was adopted:

On page 2, line 26, after "Physical" strike "or verbal"

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5986 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. 5986.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A.

Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 44.

Absent: Senators McDonald, West - 2.

Excused: Senators Saling, L. Smith, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986, having received the constitutional majority, 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 Nelson, Rasmussen and Johnson

Making adjustments to child support guidelines.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 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 Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of ..... and ....." Such proceeding (~~may~~) shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of ....." Such proceeding shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter 26.19 RCW.

(2) The court may require automatic periodic adjustments or modifications of child support. That portion of any decree that requires periodic adjustments or modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the adjustment or modification. Provisions in the decree for periodic adjustment or modification shall not conflict with RCW 26.09.170 except that the decree may require periodic adjustments or modifications of support more frequently than the time periods established pursuant to RCW 26.09.170.

(3) Upon motion of a party and without a substantial change of circumstances, the court shall modify the decree to comply with subsection (2) of this section as to installments accruing subsequent to entry of the court's order on the motion for modification.

(4) The adjustment or modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170(4)(a).

Sec. 3. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, 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 subsections (4), (5), ~~((and))~~ (8), and (9) 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;

(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 standard calculation as defined in ~~((section 4(2) of this act))~~ section 5 of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8)(a) Except as provided in (b) and (c) of this subsection, all child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) Parents whose decrees are entered before ~~((the effective date of this act))~~ July 1, 1990, 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, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

(e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.

(9) An order of child support may be modified twenty-four months from the date of the entry of the decree or the last modification, whichever is later, based upon changes in the economic table or standards in chapter 26.19 RCW.

Sec. 4. RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090.

NEW SECTION. Sec. 5. A new section is added to chapter 26.19 RCW to read as follows:

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

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Instructions" means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) "Standards" means the standards for determination of child support as provided in this chapter.

(8) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(9) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(10) "Worksheets" means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.19 RCW to read as follows:

**STANDARDS FOR DETERMINATION OF INCOME.** (1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime;
- (f) Contract-related benefits;
- (g) Income from second jobs;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;

- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Spousal maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits; and
- (t) Disability insurance benefits.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Aid to families with dependent children;
- (e) Supplemental security income;
- (f) General assistance; and
- (g) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;
- (g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. In the absence of information to the contrary, a parent's imputed income shall be based on the median income of year-round full-time workers as derived from the United States bureau of census, current populations reports, or such replacement report as published by the bureau of census.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.19 RCW to read as follows:

**STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION.**

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

(i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;

(iii) Child support actually received from other relationships;

(iv) Gifts;

(v) Prizes;

(vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(vii) Extraordinary income of a child; or

(viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or

(iv) Special medical, educational, or psychological needs of the children.

(d) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the house receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(e) **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child

support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

Sec. 8. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended to read as follows:

#### STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS.

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must ~~((be enrolled))~~ enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution ((or)). ~~The court-ordered postsecondary educational support ((may)) shall be automatically suspended during the period or periods the child fails to comply with these conditions. ((The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child.))~~

(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.

(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either



or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 26.19.010 and 1988 c 275 s 2;

(2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440

s 2;

(3) RCW 26.19.060 and 1988 c 275 s 7;

(4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6; and

(5) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

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. (1) Sections 2 through 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 September 1, 1991.

(2) Section 1 of this act shall take effect July 1, 1992.

NEW SECTION. Sec. 12. Captions as used in this act do not constitute any part of the law.

#### MOTION

Senator Barr moved that the following amendments by Senators Barr and McMullen to the striking amendment by Senators Nelson and Rasmussen be considered simultaneously and be adopted:

Beginning on page 1, line 7, strike all of Section 1.

On page 16, line 1, after "Sec. 11.", strike "(1)".

On page 16, line 5, strike all of line 5.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Barr and McMullen on page 1, line 7; page 16, line 1; and page 16, line 5, to the striking amendment by Senators Nelson and Rasmussen to Substitute Senate Bill No. 5996.

The motion by Senator Barr carried and the amendments to the striking amendment were adopted on a rising vote.

#### MOTION

On motion of Senator Adam Smith, the following amendment to the striking amendment by Senators Nelson and Rasmussen was adopted:

On page 12, line 8, following "in the" strike "house" and insert "household"

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson and Rasmussen, as amended, to Substitute Senate Bill No. 5996.

The motion by Senator Nelson carried and the striking amendment, as amended, was adopted.

### MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.010, 26.09.100, 26.09.170, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing effective dates; and declaring an emergency."

On page 16, line 12 of the striking amendment, after "RCW" strike "26.09.010"

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### MOTIONS

On motion of Senator Anderson, Senators McDonald and West were excused.

On motion of Senator Murray, Senator Niemi was excused.

### POINT OF INQUIRY

Senator Adam Smith: "Senator Nelson, what is 'significant time' for the purposes of residential credits?"

Senator Nelson: "'Significant time' is not defined in the legislation. It will be determined on a case-by-case basis. The section does reject the idea of the bright-line 90 rule adopted by the commission. The majority of parenting plans still have residential split between households in the 80/20 to 65/35 range. Presently, residential time in excess of 35 percent and up to 49.9 percent would be significant time. Again, it is ultimately up to the court based upon the facts of the case."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5996.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn

Excused: Senators McDonald, Niemi, Saling, L. Smith, Stratton, West - 6.

ENGROSSED 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.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Metcalf and Owen

Creating a joint select committee on the department of wildlife.

The concurrent resolution was read the second time.

## MOTIONS

On motion of Senator Metcalf, the following amendment was adopted:

On page 1, line 12, after "allow" strike "wildlife and habitat to be adequately protected", and insert "the department to provide enhanced hunting and fishing seasons, adequate enforcement, and adequate wildlife habitat protection"

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen, Owen and Metcalf were considered simultaneously and were adopted:

On page 2, line 16, after "procedures;" strike "and"

On page 2, line 17, after "(6)" insert "An evaluation and cost-benefit analysis of the feasibility of combining the departments of wildlife and fisheries into one cabinet-level department; and (7)"

## MOTIONS

On motion of Senator Metcalf, the following amendment was adopted:

On page 2, line 28, after "Committee," insert "Revenue Committee, or Capital Facilities and Finance Committee,"

On motion of Senator Metcalf, Engrossed Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the concurrent resolution 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 Concurrent Resolution No. 8409.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8409 and the concurrent resolution passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith,

Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Excused: Senators McDonald, Niemi, Saling, L. Smith, Stratton, West - 6.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8409, having received the constitutional majority was declared passed.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1909, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Paris and R. Johnson) (by request of Insurance Commissioner)

Increasing the capital and surplus requirements of insurance companies.

The bill read the second time.

## MOTION

On motion of Senator von Reichbauer, Substitute House Bill No. 1909 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. 1909.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1909 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Excused: Senators McDonald, Niemi, Saling, L. Smith, Stratton, West - 6.

SUBSTITUTE HOUSE BILL NO. 1909, having received the 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 3:59 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:10 p.m. by President Pritchard.

## MOTIONS

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

On motion of Senator Newhouse, the rules were suspended and the Committee on Rules was relieved of Senate Bill No. 5072, Substitute Senate Bill No. 5458, Substitute Senate Bill No. 5580, Substitute Senate Bill No. 5581 and Substitute Senate Bill No. 5653.

On motion of Senator Newhouse, Senate Bill No. 5072 was placed on the second reading calendar.

On motion of Senator Newhouse, Substitute Senate Bill No. 5458, Substitute Senate Bill No. 5580, Substitute Senate Bill No. 5581 and Substitute Senate Bill No. 5653 were placed on the third reading calendar.

## MOTION

At 4:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Thursday, June 27, 1991.

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

## EIGHTEENTH DAY

- - - - -

## MORNING SESSION

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Senate Chamber, Olympia, Thursday, June 27, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Cantu, Conner, Erwin, Gaspard, Hayner, Johnson, McCaslin, McDonald, McMullen, Owen, Roach, Saling, Skratek, Linda Smith, Stratton, Sutherland, Thorsness and von Reichbauer. On motion of Senator Murray, Senators Conner, Gaspard, McMullen, Owen, Skratek, Stratton and Sutherland were excused. On motion of Senator Anderson, Senators Amondson, Cantu, Hayner, McCaslin, McDonald, Roach, Saling, Linda Smith, Thorsness and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mindy VanTine and Bernadett Powloski, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God 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

June 26, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2231, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 26, 1991

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to HOUSE BILL NO. 1095 and HOUSE BILL NO. 2214 and passed the bills as amended by the Senate.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1231 by Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff and Paris) (by request of Office of Financial Management)

Adopting the 1991-93 transportation budget.

HOLD.

EHB 2231 by Representatives Zellinsky, Broback, Schmidt, Dellwo, Sheldon, R. Meyers, Scott, Paris, Winsley and Kremen

Requiring a surety bond from fire protection sprinkler system contractors.

HOLD.

## MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1231 and Engrossed House Bill No. 2231 were advanced to second reading and placed on the second reading calendar.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1991-8701

By Senators Snyder, Sellar, Rasmussen and Gaspard

WHEREAS, Margaret Josephine Hurley served the city of Spokane and the state of Washington with dignity and honor for thirty-one illustrious years in the Washington State Legislature from 1953 through 1984, as a member of the House of Representatives from 1953 until her election to the Senate in 1979; and

WHEREAS, The Hurley tradition in our state's Legislature dates back to the 1938 election of her husband, Joseph, to the House of Representatives; and

WHEREAS, For years, Senator Hurley valiantly fought against a state income tax, only to shock her colleagues and cause uncontrollable laughter when, on the eve of her retirement, she so sweetly and innocently asked, "Just what is wrong with an income tax?"; and

WHEREAS, Her efforts to block freeways in her beloved Lilac City were so successful they caused Representative Geraldine McCormick to frantically end a phone conversation with Senator Lorraine Wojahn, because it would take the representative a whole hour just to travel cross-town to meet the good Senator; and

WHEREAS, Margaret is a most noble and gracious daughter of Ireland and exemplifies all that is good, kind and fun-loving in her Irish heritage and as such she ensured that each St. Patrick's Day, birthday and Sine Die in the Washington State Legislature was celebrated with unrivaled zest and merriment, in which her own songs, legendary singing voice, stories and personality played a vital part; and

WHEREAS, Margaret fought for more and better public parks throughout the Evergreen State and particularly in the Inland Empire as chair of the House Parks and Recreation Committee and as long-time member of both House and Senate Parks Committees; and

WHEREAS, Senator Hurley probably has celebrated as many thirty-ninth birthdays as any elected official in our state's history, has continued her intense passion and gusto for life and all its wonders and is now embarking on a new adventure at a ripe young age she will never reveal;

WHEREAS, Margaret met Leonard "Pete" Peterson about ten years ago aboard the "Love Boat" cruise ship and, two years later, "Pete" moved to Spokane to be with her, at which time the Senator retired to spend more time with "Pete";

WHEREAS, The happy couple took painting classes together and now spend four to five hours a day painting lovely water colors together;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate honor and congratulate Senator Margaret Josephine Hurley and Leonard "Pete" Peterson as they exchange wedding vows, Sunday, June 30, 1991, in a small chapel behind St. Aloysius Church in Spokane;

BE IT FURTHER RESOLVED, That the Senate wishes the newly weds all the best as they spend their romantic honeymoon in Hawaii, and expresses its most heartfelt hope for a long, happy and loving life together.

Senators Snyder, Metcalf and Hayner spoke to Senate Resolution 1991-8701.

### MOTIONS

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

On motion of Senator Newhouse, the rules were suspended and the Committee on Rules was relieved of further consideration of Senate Bill No. 5560 and Senate Bill No. 5959.

On motion of Senator Newhouse, Senate Bill No. 5560 and Senate Bill No. 5959 were placed on the third reading calendar.



## MOTION

At 10:15 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Pritchard.

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

## SECOND READING

SENATE BILL NO. 5072, by Senators Nelson, Rasmussen and Talmadge

Reinstating the indigent defense task force.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5072 was substituted for Senate Bill No. 5072 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendments were considered simultaneously and were adopted:

On page 2, line 12, after "follows:" strike all language through "office," on line 14 and insert "The Department"

On page 2, line 22, after "cases" insert "in conjunction with the indigent defense task force"

On page 2, line 26, after "the" strike all language through "act" on line 27 and insert "department"

## MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5072 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. 5072.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5072 the bill passed the Senate by the following vote: Yeas, 30; Nays, 0; Absent, 2; Excused, 17.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Hansen, Jesemig, M. Kreidler, Madsen, Matson, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Sellar, A. Smith, Snyder, Talmadge, Vognild, West, Williams, Wojahn - 30.

Absent: Senators Erwin, Johnson - 2.

Excused: Senators Amondson, Cantu, Conner, Gaspard, Hayner, McCaslin, McDonald, McMullen, Owen, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer - 17.

ENGROSSED SUBSTITUTE 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.

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

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5581, by Senate Committee on Ways and Means (originally sponsored by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith)

Creating the community partnership program.

The bill was read the third time.

Debate ensued.

### POINT OF INQUIRY

Senator Talmadge: "Senator Anderson, the reason that a number of us voted against this bill, I might add, the first time through was when Governor John Spellman was Governor of the state of Washington, he created something called, I believe, it was the Council for Voluntary Action that does virtually everything that this organization does. That organization, I don't believe, has ever been repealed; it still exists somewhere in state government. Why are we doing what amounts to an exact duplication of what Governor Spellman did a decade ago? The organization, I believe, still exists."

Senator Anderson: "Senator Talmadge, probably because that organization has not had the support and the activity of the community providers. This particular piece of legislation was supported by many people--the Human Resources Roundtable, the YMCA Metro Center, the statewide YMCA, the Boys and Girl Scout Council--and it has been the combination of many, many statewide meetings of local community-based organizations across the state of Washington asking us for this kind of statement from the Washington State Legislature to assist with technical assistance. Now, not being here during Governor Spellman's time, Senator Talmadge, I did not know about that other organization. If it is now defunct, it would only seem appropriate to pass this, since these community-based organizations are in support of this concept in this particular bill."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, in light of the recent two Attorney General opinions on the power of executive order, would this not be an attempt to give some basis of official recognition, rather than an executive order? These voluntary groups are going to collect money through the department. I notice the Lieutenant Governor is on there as managing director of the program. This would give it a better basis than an executive order, would it not? The two opinions that we have from the Attorney General say that the Governor may create, by executive order, anything that he wants to do, but it has no power or effect."

Senator Talmadge: "Senator, my best response to that is the two Attorney General's opinions speak for themselves with respect to the scope of an executive order as opposed to a statute and I don't want to hazard an opinion about those AGOs. Number two, whether this thing gives some greater credence to those local organizations or not is not clear to me that is true."

## MOTION

On motion of Senator Oke, Senators Erwin and Johnson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5581.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 4; Absent, 0; Excused, 18.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, Matson, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Rasmussen, Sellar, Snyder, Vognild, West, Williams, Wojahn - 27.

Voting nay: Senators Niemi, Rinehart, A. Smith, Talmadge - 4.

Excused: Senators Amondson, Cantu, Conner, Erwin, Hayner, Johnson, McCaslin, McDonald, McMullen, Owen, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer - 18.

SUBSTITUTE SENATE BILL NO. 5581, having received the 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 12:15 p.m., on motion of Senator Newhouse, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:09 p.m. by President Pritchard.

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

## MESSAGES FROM THE HOUSE

June 26, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5790 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.30.020 and 1991 c 339 s 24 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction (~~(punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court).~~ A person found to have committed such infraction shall be assessed a monetary penalty or community service in accordance with RCW 46.63.110 and 46.63.120.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed without cost. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed without cost.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

(6) An investigating officer may issue a citation for a violation of this section if the person fails to provide evidence of financial responsibility or insurance as required under RCW 46.30.040.

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

(1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.

(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(3) A violation of subsection (1) or (2) of this section is not a traffic infraction. Failure to provide evidence of financial responsibility as required under subsection (1) or (2) of this section is reasonable cause for an investigating officer to believe that the person driving the motor vehicle is not insured or otherwise financially responsible as required by RCW 46.30.020(1). The officer may cite the person for a traffic infraction under RCW 46.30.020.

(4) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

On line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.30.020 and 46.30.040; and prescribing penalties.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 26, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5718,

SENATE BILL NO. 5997,

ENGROSSED SENATE BILL NO. 5998, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5718,

SENATE BILL NO. 5997,

ENGROSSED SENATE BILL NO. 5998.

MOTION

At 3:11 p.m., on motion of Senator Sellar, the Senate was declared to be at ease.

The Senate was called to order at 5:33 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on Engrossed Substitute House Bill No. 1231, as amended by the Senate, Engrossed Substitute Senate Bill No. 5458, Engrossed Substitute Senate Bill No. 5580, Substitute Senate Bill No. 5653, Engrossed House Bill No. 2231 and Engrossed Senate Concurrent Resolution No. 8417. I would have voted 'aye' on Engrossed Substitute Senate Bill No. 5458, Substitute Senate Bill No. 5653, Engrossed Senate Concurrent Resolution No. 8417 and Engrossed House Bill No. 2231. I would have voted 'no' on Engrossed Substitute Senate Bill No. 5580 and Engrossed Substitute House Bill No. 1231, as amended by the Senate. I have particular concern about the viability of funding for the First Avenue South

Bridge in Engrossed Substitute House Bill No. 1231, as amended by the Senate.

SENATOR PHIL TALMADGE, 34th District

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betzoff and Paris) (by request of Office of Financial Management)

Adopting the 1991-93 transportation budget.

The bill was read the second time.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson, Nelson, Vognild, Erwin, Oke, Barr and Madsen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. No moneys are provided in this act for major relocation of the Washington state patrol or the department of licensing. Any bill enacted during the 1991 legislative sessions requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation. . . . .	\$	398,000
Highway Safety Fund--Federal Appropriation . . . . .	\$	4,887,000
TOTAL APPROPRIATION . . . . .	\$	5,285,000

NEW SECTION. Sec. 3. FOR THE TRAFFIC SAFETY COMMISSION

The sum of \$900,000, or as much thereof as may be necessary, is appropriated from the public safety and education account to the traffic safety commission solely to continue the DWI task force program. This appropriation represents seventy-five percent of the requested \$1.2 million state funding. It is the intent of the legislature that the state funding will be reduced by \$300,000 per biennium until no state funds are required to support this program. It is also the intent of the legislature that the commission seek funding from sources other than the state.

NEW SECTION. Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State		
Appropriation . . . . .	\$	185,000
No more than \$80,000 may be expended for attorney general fees.		

**NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--County Arterial Preservation		
Account--State Appropriation. . . . .	\$	22,427,000
Motor Vehicle Fund--Rural Arterial Trust Account--		
State Appropriation . . . . .	\$	37,413,000
Motor Vehicle Fund--State Appropriation. . . . .	\$	1,190,000
TOTAL APPROPRIATION . . . . .	\$	61,030,000

\$153,319 of the motor vehicle fund--county arterial preservation account--state appropriation and \$153,319 of the motor vehicle fund--rural arterial trust account--state appropriation, or as much thereof as may be necessary, are provided solely to provide transportation planning assistance to counties.

**NEW SECTION. Sec. 6. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Transportation Improvement		
Account--State Appropriation. . . . .	\$	104,000,000
Motor Vehicle Fund--Urban Arterial Trust Account--		
State Appropriation . . . . .	\$	51,848,000
TOTAL APPROPRIATION . . . . .	\$	155,848,000

The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.

**NEW SECTION. Sec. 7. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation . . . . .	\$	2,399,000

This appropriation is provided solely to fund the Safety Education Officer Program and enhancement in the Commercial Vehicle Weighing and Safety Inspection Program for fiscal year 1992.

**NEW SECTION. Sec. 8. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation . . . . .	\$	131,301,000
Motor Vehicle Fund--State Patrol Highway Account--		
Federal Appropriation . . . . .	\$	3,033,000
TOTAL APPROPRIATION . . . . .	\$	134,334,000

The appropriations in this section are subject to the following conditions and limitations: Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

**NEW SECTION. Sec. 9. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation . . . . .	\$	52,914,000

**NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Motor Vehicle Fund--State Appropriation. . . . .	\$	47,105,000
General Fund--Marine Fuel Tax Refund Account--		
State Appropriation . . . . .	\$	25,000
General Fund--Wildlife Account--State Appropriation . . . . .	\$	502,000
TOTAL APPROPRIATION . . . . .	\$	47,632,000

The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors

and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.

**NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

General Fund--Public Safety and Education Account--	
State Appropriation . . . . .	\$ 4,388,000
Highway Safety Fund--State Appropriation. . . . .	\$ 48,376,000
Highway Safety Fund--Motorcycle Safety Education Account--	
State Appropriation . . . . .	\$ 884,000
TOTAL APPROPRIATION . . . . .	\$ 53,648,000

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS**

General Fund--Wildlife Account--State Appropriation . . . . .		\$ 47,000
Highway Safety Fund--State Appropriation. . . . .		\$ 4,796,000
Highway Safety Fund--Motorcycle		
Safety Education Account--State Appropriation . . . . .	\$ 95,000	
Motor Vehicle Fund--State Appropriation. . . . .		\$ 4,424,000
General Fund--Public Safety and Education Account--		
State Appropriation . . . . .	\$ 418,000	
TOTAL APPROPRIATION . . . . .	\$ 9,780,000	

**NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

General Fund--Wildlife Account--State Appropriation . . . . .		\$ 56,000
Highway Safety Fund--State Appropriation. . . . .		\$ 3,506,000
Highway Safety Fund--Motorcycle Safety Education		
Account--State Appropriation. . . . .	\$ 58,000	
Motor Vehicle Fund--State Appropriation. . . . .		\$ 5,961,000
General Fund--Public Safety and Education Account--		
State Appropriation . . . . .	\$ 252,000	
TOTAL APPROPRIATION . . . . .	\$ 9,833,000	

The appropriation for the licensing application migration project (LAMP) is conditioned upon compliance with the provisions of section 54 of this act.

**NEW SECTION. Sec. 14. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation. . . . .		\$ 3,028,000
High Capacity Transportation Account--		
State Appropriation . . . . .	\$ 950,000	
TOTAL APPROPRIATION . . . . .	\$ 3,978,000	

(1) Of the high capacity transportation account appropriation provided for in this section, \$550,000 is a reappropriation for continuation of stage 1 of the public transportation study described in section 12(4), chapter 298, Laws of 1990, and \$400,000 is for a portion of the cost of stage 2.

(2) The appropriation provided for in section 41 of this act includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

(3) The committee is authorized to conduct performance analysis and other reviews of state transportation agencies and programs to ensure that the agencies and programs: (a) Are being conducted in accordance with legislative intent; (b) are being conducted in an efficient and effective manner; and (c) continue to serve their intended



purposes. The findings and recommendations of any such reviews shall be reported to the legislature.

**NEW SECTION. Sec. 15. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE**

Motor Vehicle Fund--State Appropriation. . . . . \$ 389,000

**NEW SECTION. Sec. 16. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations Account--  
State Appropriation . . . . . \$ 334,000

**NEW SECTION. Sec. 17. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation. . . . . \$ 1,500,000

**NEW SECTION. Sec. 18. FOR THE AIR TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation. . . . . \$ 553,000

**NEW SECTION. Sec. 19. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation. . . . . \$ 112,000

The appropriation in this section is null and void if House Bill No. 2140 is not enacted by September 1, 1991.

**NEW SECTION. Sec. 20. FOR THE WASHINGTON STATE ENERGY OFFICE**

Motor Vehicle Fund--State Appropriation. . . . . \$ 203,000

Transportation Fund--State Appropriation. . . . . \$ 750,000

TOTAL APPROPRIATION . . . . . \$ 953,000

**NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF AGRICULTURE**

\$209,000, or as much thereof as is necessary, is appropriated from the motor vehicle fund--state solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

**NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A**

Motor Vehicle Fund--State Appropriation. . . . . \$ 149,838,000

Motor Vehicle Fund--Federal Appropriation . . . . . \$ 98,600,000

Motor Vehicle Fund--Local Appropriation . . . . . \$ 2,000,000

TOTAL APPROPRIATION . . . . . \$ 250,438,000

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

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall study a highway heritage program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department shall:

(a) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this program, and recommend a strategy for implementing an ongoing program and sources of funding;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section

without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Study acquisition by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(d) Study provision of directional signs and signs with information regarding historical or cultural sites and significant natural features.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The appropriation to carry out the study in this subsection is provided in section 41 of this act and shall lapse unless \$10,000 is received from the department of trade and economic development by October 1, 1991.

(3) The department shall complete the six fish barrier removal projects identified as high priority by the department of fisheries. The department shall cooperate with the departments of fisheries and wildlife to identify, estimate costs of, and prioritize additional fish barrier removal projects on state highways.

**NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY CONSTRUCTION--PROGRAM B**

Motor Vehicle Fund--State Appropriation . . . . .	\$	42,000,000
Motor Vehicle Fund--Federal Appropriation . . . . .	\$	407,000,000
Motor Vehicle Fund--Local Appropriation . . . . .	\$	8,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>457,000,000</b>

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000,000 of the motor vehicle fund--state appropriation includes a maximum of \$32,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991.

**NEW SECTION. Sec. 24.** Contained within the appropriations to the department of transportation, programs B and C, for HOV lanes, park and ride lots, and surveillance control and driver information systems that are components of the Puget Sound HOV core lane system are the following amounts: \$202,000,000 as requested by the department and the governor, and an additional \$15,000,000 provided by the legislature in section 67 of this act to expedite the completion of the system.

**NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C**

Motor Vehicle Fund--State Appropriation . . . . .	\$	66,800,000
Transportation Fund--State Appropriation . . . . .	\$	119,000,000
Motor Vehicle Fund--Federal Appropriation . . . . .	\$	16,000,000
Motor Vehicle Fund--Local Appropriation . . . . .	\$	4,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>205,800,000</b>

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

**NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C**

Motor Vehicle Fund--Special Category C Account-- State Appropriation . . . . .	\$	27,000,000
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The appropriation contained in this section is subject to the following conditions and limitations:

(1) By October 1, 1991, the department of transportation shall report to the legislative transportation committee on the various stages and funding assumptions on the first avenue south bridge, state route 18, and the north-south corridor in Spokane.

(2) Of the \$27,000,000 appropriation contained in this section: Up to \$12,000,000 is provided for SR 18, up to \$11,000,000 is provided for 1st avenue south bridge, and up to \$4,000,000 is provided for the north-south corridor in Spokane: PROVIDED, That the department may transfer moneys between projects after consultation with the legislative transportation committee.

**NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C**

Motor Vehicle Fund--Puyallup Tribal Settlement Account--State Appropriation . . . . .	\$	3,450,000
Motor Vehicle Fund--Puyallup Tribal Settlement Account--Federal Appropriation . . . . .	\$	2,550,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,000,000</b>

**NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION -- HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D**

Motor Vehicle Fund--State Appropriation . . . . .	\$	39,302,000
Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation . . . . .	\$	33,149,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>72,451,000</b>

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

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of \$31,449,000 from the motor vehicle fund to the transportation capital facilities account.

(3) No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office including recommendations on HOV programs, growth management, the freeway and arterial management effort (FAME), and other associated programs or activities. The plan shall include recommended methods for quantifying reductions in congestion.

**NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F**

General Fund--Aeronautics Account--State Appropriation . . . . .	\$	3,083,000
General Fund--Aeronautics Account--Federal Appropriation . . . . .	\$	283,000

TOTAL APPROPRIATION . . . . . \$ 3,366,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

**NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--SEARCH AND RESCUE--PROGRAM F**

General Fund--Search and Rescue Account--

State Appropriation . . . . . \$ 126,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

**NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G**

Motor Vehicle Fund--Economic Development Account--

State Appropriation . . . . . \$ 5,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

**NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H**

Motor Vehicle Fund--State Appropriation. . . . . \$ 53,200,000

Motor Vehicle Fund--Federal Appropriation . . . . . \$ 52,400,000

Motor Vehicle Fund--Local Appropriation . . . . . \$ 1,000,000

TOTAL APPROPRIATION . . . . . \$ 106,600,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

**NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M**

Motor Vehicle Fund--State Appropriation. . . . . \$ 215,160,000

Motor Vehicle Fund--Local Appropriation . . . . . \$ 750,000

TOTAL APPROPRIATION . . . . . \$ 215,910,000

The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state-wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

**NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation. . . . . \$ 1,370,000

Motor Vehicle Fund--Federal Appropriation . . . . . \$ 58,400,000

Motor Vehicle Fund--Local Appropriation . . . . . \$ 8,483,000

TOTAL APPROPRIATION . . . . . \$ 68,253,000

**NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Transportation Fund--State Appropriation. . . . . \$ 700,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation. . . . .	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation. . . . .	\$	885,000
Motor Vehicle Fund--State		
Appropriation . . . . .	\$	33,770,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>35,820,000</b>

The appropriations in this section are subject to the following conditions and limitations: The legislature directs that a joint study be conducted by the office of financial management, the department of personnel, and the Washington state department of transportation to determine whether the current services rendered by the department of personnel on issues relating to employee recruitment, retention, education, and training are sufficient. Findings of the study shall be reported to the legislative transportation committee by December 1, 1991, and shall include but not be limited to recommendations as to who is responsible for performing these services.

**NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T**

For public transportation and rail programs:

Transportation Fund--State Appropriation. . . . .	\$	8,295,000
Transportation Fund--Federal/Local Appropriation . . . . .	\$	5,518,000
High Capacity Transportation Account--		
State Appropriation. . . . .	\$	15,640,000
For planning and research:		
Motor Vehicle Fund--State Appropriation. . . . .	\$	17,830,000
Motor Vehicle Fund--Federal Appropriation . . . . .	\$	9,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>56,283,000</b>

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

(1) By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. Upon submittal and approval of the program recommendations by the legislative transportation committee, the department may expend the amount provided from the transportation fund--state for program implementation. The program may include but is not limited to the following:

(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;

(b) Station improvements;

(c) Resumption of service between Seattle, Washington, and Vancouver, British Columbia; and

(d) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery.

(2) Funds are provided for acquisition of rail rights of way under RCW 47.76.140: PROVIDED, That funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only if the corridor is acquired jointly with the city of Tacoma. The department shall enter into an agreement with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. Following acquisition, the department may not expend or authorize the expenditure of funds for improvements to tracks, bridges, and associated elements without prior legislative approval. Funds may be expended for necessary maintenance and preservation, such as fire and weed control. This appropriation shall

lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.

(3) Moneys in this appropriation for the Spokane intermodal transportation center may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

(4) Of the amount provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) The amount provided for implementation of the universal bus pass program at the University of Washington shall be expended solely for one-time infrastructure costs for modification of roads to accommodate buses, modification of parking facilities, bus shelters, security lighting for night shuttle programs, and bike storage facilities. It is the intent of the legislature that comparable comprehensive programs be developed in the near future for all universities and colleges within the greater Seattle area. To that end, Metro, community transit and Pierce transit, and Seattle area colleges and universities shall work together and submit a plan to the legislative transportation committee identifying potential services, costs and implementation schedules. The plan shall be submitted by November 1992.

**NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Fund--State Appropriation. . . . .	\$	19,438,361
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation. . . . .	\$	2,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>21,438,361</b>

The appropriations in this section are to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$257,763;
- (2) Attorney general tort claims support, \$5,500,000;
- (3) Office of the state auditor audit services, \$883,366;
- (4) Department of general administration facilities and services charges, \$2,597,769;
- (5) Department of personnel services, \$2,368,949;
- (6) Self-insurance liability premium, \$7,220,514 and administration, \$610,000; and
- (7) Marine division self-insurance liability premium and administration, \$2,000,000.

**NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation. . . . .	\$	107,324,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Federal Appropriation . . . . .	\$	16,937,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Private/Local Appropriation . . . . .	\$	1,500,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>125,761,000</b>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such

projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to September 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991.

**NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation. . . . . \$ 204,767,000

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

- (1) The marine operating fund is hereby created in the state treasury.

To fund the appropriations in this act, the department shall transfer operating subsidies from the Puget Sound ferry operations account and ferry user revenues from the ferry system revolving account to the marine operating fund.

The department shall transfer moneys from the ferry system revolving account to the marine operating fund so as to minimize the need for revenues from the Puget Sound ferry operations account during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

- (2) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed \$135,862,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$135,862,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991.

**NEW SECTION. Sec. 40.** In addition to the appropriation authority contained in section 39 of this act for program X, the marine division may expend up to \$500,000 from the marine operating fund for unprogrammed expenditures after consultation with the legislative transportation committee.



**NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation . . . . .	\$	11,132,000
Motor Vehicle Fund--Federal Appropriation . . . . .	\$	95,300,000
Motor Vehicle Fund--Local Appropriation . . . . .	\$	10,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>116,432,000</b>

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

**NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION--SUPPORTIVE SERVICES--PROGRAM 090**

Motor Vehicle Fund--State Appropriation . . . . .	\$	169,000
General Fund--Federal Appropriation . . . . .	\$	400,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>569,000</b>

The appropriations in this section are provided for support services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

**NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION**

Motor Vehicle Fund--RV Account--State Appropriation  
Transfer:

For transfer to the Motor Vehicle Fund . . . . .	\$	800,000
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The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

**NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF TRANSPORTATION**

Motor Vehicle Fund--State Appropriation  
Transfer:

For transfer to the Advance Right of Way Revolving Fund . . . . .	\$	10,000,000
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The appropriation transfer in this section is null and void if House Bill No. 1992 is not enacted by September 1, 1991.

**NEW SECTION. Sec. 45.** It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

**Sec. 46.** RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the

supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(4)) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 47. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5)) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

**NEW SECTION. Sec. 48.** The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to

conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 49.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER**

Motor Vehicle Fund--Highway Construction

Stabilization Account Transfer: For  
transfer to the Motor Vehicle Fund. . . . . \$ 100,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

**NEW SECTION. Sec. 51.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 52.** (1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties or transit agencies for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system contained in the document dated March 1991, entitled "Puget Sound HOV Core Lane Needs: 2000", shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

**NEW SECTION. Sec. 53.** To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 54.** Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act. In addition to these provisos agencies shall comply with all department of information services requirements.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully

completed before subsequent phases are commenced, unless an alternative plan is approved by the department of information services, office of financial management, and legislative transportation committee. In addition to the post-implementation review, reviews using oversight and quality assurance measures are to be conducted throughout the project.

The legislature, with recommendations from department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(1) Scoping process phase. Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project scoping process. The scoping process shall detail the key issues to be addressed by the information technology project. The scoping process shall precede the feasibility study.

The scoping process must define the project's scope; key issues, including business, management, technical and other issues; major objectives; project justifications; project approach; and answer by a test of reasonableness that the project is feasible. The purpose of the scoping process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining the status quo, and of the proposed project. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to fiscal savings, but may include improvements in service delivery by the agency to the citizens of the state. The feasibility study in this section shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The project management plan shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project and shall specifically address management plans for successfully completing the subsequent phase. The project management plan shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key positions that are not yet filled; address staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight monitoring and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, and estimated costs for the next phase or phases to be conducted in a specified time period.

(4) Prior to reaching key decision points identified in the relevant project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

(5) In instances where a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project that has a specific proviso under this section. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(7) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

(8) Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 55. The department of transportation shall identify and coordinate all growth management functions. Such functions shall cease to exist on June 30, 1995.

NEW SECTION. Sec. 56. The attorney general shall prepare by December 31 of each year, a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways that were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;

- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**NEW SECTION. Sec. 57. FOR THE WASHINGTON STATE PATROL--CAPITAL**

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

- (1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		5,413,000
Motor Vehicle Acct--State		924,000
Highway Safety Fund--State		924,000
Total Appropriation		7,261,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
750,000		8,011,000

- (2) Design new agency headquarters-Olympia (90-2-040)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		3,481,000

  

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
250,000		40,250,000

The appropriation in this subsection is provided solely for the design of the Washington state patrol headquarters facility. The agency shall submit written status reports to the legislative transportation committee by September 30, 1991, and January 1, 1992.

(3) Complete Construction District Headquarters-Everett  
(90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	3,200,000	3,500,000

## (4) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		1,656,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		2,032,000

## (5) Minor works (92-2-004)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		435,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
1,654,000	759,200	2,848,200

## (6) Property acquisition for communications site-Maple Falls (92-2-0064)

	Reappropriation	Appropriation
Stol Hiwy Acct		17,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
		17,000

(7) BAW FAW replacement communication tower (92-2-010)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		234,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
		234,000

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

NEW SECTION. Sec. 58. It is the intent of the legislature that a four range, or approximately ten percent, salary increase be effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

NEW SECTION. Sec. 59. A new section is added to chapter 46.68 RCW to read as follows:

The state patrol equipment account is created in the state treasury. The account shall be used solely to finance the acquisition and replacement of equipment to be used for state patrol highway-related activities.

(1) All equipment capitalized by the account shall be subject to annual use and depreciation costs in an amount that will recover a replacement value by the time the life cycle has expired for a particular piece of equipment. The account shall be an internal service fund subject to legislative appropriation.

(2) Use and depreciation costs shall be charged to all users of Washington State Patrol equipment, except in those circumstances where the chief of the state patrol deems it necessary to waive those charges.

(3) The state patrol shall propose a replacement schedule and the rate for use, for all equipment to be included in the account.

(4) The state patrol shall report to the legislative transportation committee and the office of financial management by December 1, 1991, on the alternatives for the inclusion of different types of equipment to be included in the state patrol equipment account and on financing alternatives.

NEW SECTION. Sec. 60. The speaker of the house of representatives and the president of the senate shall appoint a joint select committee composed of sixteen members of the legislature, to make recommendations to the legislature regarding the public safety and education account. Membership shall include four legislators from senate ways and means, two from house appropriations, two from house revenue, and four each from the senate and house transportation committees. Efforts shall be made



to insure that appointments to the committee shall include members who also serve on the house judiciary committee and the senate law and justice committee. The joint select committee shall be chaired by the chair of the legislative transportation committee.

The committee shall, at a minimum, make recommendations as to the following issues: The percentages by which public safety and education account revenues shall be split between the general fund and transportation budgets; the programs that shall be eligible for public safety and education account appropriations; the budget from which each eligible program shall receive its public safety and education account funding, in particular, the superintendent of public instruction driver training program; and any new accounts into which revenue shall be deposited to accommodate the agreed upon revenue split. The committee may consider any other issues it deems appropriate. The committee's recommendations shall be drafted into legislation for approval in the 1992 legislative session and shall be submitted to the legislature by December 15, 1991. The recommendations contained in the legislation shall take effect on July 1, 1993.

**Sec. 61.** RCW 47.76.040 and 1991 c 363 s 126 are each amended to read as follows:

The department shall sell property acquired under RCW (~~(47.76.030)~~ 47.76.140) to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW (~~(47.76.030)~~ 47.76.140) shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

**Sec. 62.** RCW 47.76.050 and 1985 c 432 s 4 are each amended to read as follows:

(1) If real property acquired by the department under RCW (~~(47.76.030)~~ 47.76.140) is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;

(e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may at the department's option be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

**Sec. 63.** RCW 47.76.060 and 1985 c 432 s 5 are each amended to read as follows:

If real property acquired by the department under RCW ((~~47.76.030~~)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail assistance account of the general fund.

**Sec. 64.** RCW 47.76.070 and 1985 c 432 s 6 are each amended to read as follows:

The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under RCW ((~~47.76.030~~)) 47.76.140, upon such terms and conditions as the department determines.

**Sec. 65.** RCW 47.76.080 and 1985 c 432 s 7 are each amended to read as follows:

(1) If real property acquired by the department under RCW ((~~47.76.030~~)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

**Sec. 66.** RCW 47.76.090 and 1985 c 432 s 8 are each amended to read as follows:

Transfers of ownership of property acquired under RCW ((~~47.76.030~~)) 47.76.140 are exempt from chapters 8.25 and 8.26 RCW.

**Sec. 67.** RCW 46.61.165 and 1984 c 7 s 65 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified

number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. For lanes so designated on the main line of limited access freeways, the required number of occupants in private motor vehicles, other than motorcycles, will be two. If the operating condition of a restricted lane falls below level of service "C" during peak hours for a period of twelve continuous months, as verified by the department, the number of occupants required during peak hours shall be increased to maintain an operating condition of level of service "C". The department shall report any changes in vehicle occupancy requirements to the legislative transportation committee. There is hereby appropriated from the transportation fund--state to the department of transportation, program C for the period ending June 30, 1993, an additional \$15 million for the sole purpose of expediting completion of the HOV core lane system. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. The department shall evaluate the efficacy of the vehicle occupancy requirements and shall report to the legislative transportation committee by January 1, 1992.

Sec. 68. RCW 81.104.100 and 1991 c 318 s 9 are each amended to read as follows:

To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW ((81.04.140)) 81.104.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;  
 (v) Patronage forecasts;  
 (vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

**NEW SECTION. Sec. 69.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. 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. 70.** 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 President declared the question before the Senate to be the adoption of the striking amendment by Senators Patterson, Nelson, Vognild, Erwin, Oke, Barr and Madsen to Engrossed Substitute House Bill No. 1231.

The motion by Senator Patterson carried and the striking amendment was adopted.

### MOTION

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110, 46.68.120, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, 46.61.165, and 81.104.100; adding a new section to chapter 46.68 RCW; creating new sections; and declaring an emergency."

On motion of Senator Patterson, Engrossed Substitute House Bill No. 1231, 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 Anderson, Senator Barr was excused.

On motion of Senator Murray, Senators Rasmussen, Talmadge and Wojahn were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1231, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1231 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Thorsness, Vognild, West, Williams, Wojahn - 39.

Voting nay: Senator McCaslin - 1.

Excused: Senators Barr, Conner, Owen, Rasmussen, Saling, Stratton, Sutherland, Talmadge, von Reichbauer - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, 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 advanced the Senate to the seventh order of business.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5458, by Senate Committee on Ways and Means (originally sponsored by Senators L. Smith, Jesernig, Bauer and Newhouse)

Establishing regional service centers for the deaf.

## MOTION

On motion of Senator Linda Smith, the rules were suspended, Substitute Senate Bill No. 5458 was returned to second reading and read the second time.

## MOTIONS

On motion of Senator West, the following amendment was adopted:

On page 4, after line 4, insert the following:

NEW SECTION. Sec. 5. A regional service center is prohibited from performing activities that are regulated under chapter 18.35 RCW. A regional service center shall provide, upon request, a deaf person or hard of hearing person with a list of persons in the geographic area of the center licensed under chapter 18.35 RCW to provide services regulated under chapter 18.35 RCW. The deaf person or hard of hearing person may voluntarily select any person from the list to perform the services. A regional service center may in no manner recommend or refer one person on the list over another person on the list.

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Linda Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5458 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. 5458.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, West, Williams, Wojahn - 41.

Excused: Senators Barr, Conner, Owen, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5458, having received the 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. 5580, by Senate Committee on Ways and Means (originally sponsored by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith)

Establishing community-based child care resource and referral agencies.

## MOTION

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5580 was returned to second reading and read the second time.

## MOTIONS

On motion of Senator Anderson, the following amendment was adopted:

On page 4, line 6, after "(4)" insert "The community-based child care resource and referral agencies may"

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute Senate Bill No. 5580 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. 5580.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, West, Williams, Wojahn - 41.

Excused: Senators Barr, Conner, Owen, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5580, having received the 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. 5653, by Senate Committee on Ways and Means (originally sponsored by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild, McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz)

Authorizing specialized child care and respite care for children of homeless parents.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5653.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, West, Williams, Wojahn - 41.

Excused: Senators Barr, Conner, Owen, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer - 8.

SUBSTITUTE SENATE BILL NO. 5653, having received the 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 sixth order of business.

### MOTION

On motion of Senator Linda Smith, Senator Patterson was excused.

### SECOND READING

ENGROSSED HOUSE BILL NO. 2231, by Representatives Zellinsky, Broback, Schmidt, Dellwo, Sheldon, R. Meyers, Scott, Paris, Winsley and Kremen

Requiring a surety bond from fire protection sprinkler system contractors.

The bill was read the second time.

### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 2231 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. 2231.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2231 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, West, Williams, Wojahn - 40.

Excused: Senators Barr, Conner, Owen, Patterson, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer - 9.

ENGROSSED HOUSE BILL NO. 2231, having received the 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. 5560, by Senators McDonald, Owen, Craswell and Niemi

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

The bill was read the second time.

Debate ensued.

## MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5560 was deferred.

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

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Barr, Hansen and Anderson

Creating the joint select committee on Lake Roosevelt.

The concurrent resolution was read the second time.

## MOTIONS

On motion of Senator Barr, the following amendment was adopted:

On page 2, line 19, after "Legislature" strike "at the regular session held in 1992" and insert "by December 15, 1991; and

BE IT FURTHER RESOLVED, That the committee be terminated February 1, 1992"

On motion of Senator Barr, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8417 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8417.

Engrossed Senate Concurrent Resolution No. 8417 was adopted by voice vote.

## MOTION

At 6:13 p.m., on motion of Senator Newhouse, the Senate recessed until 7:30 p.m.

The Senate was called to order at 8:11 p.m. by President Pritchard.

## MOTION

At 8:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, June 28, 1991.

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

**NINETEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, June 28, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald, Nelson, Niemi, Owen, Patterson, Saling, Stratton, Thorsness and Vognild. On motion of Senator Murray, Senators Owen, Stratton and Vognild were excused. On motion of Senator Linda Smith, Senators McDonald, Nelson, Patterson, Saling and Thorsness were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Naismith and Ron Sundby, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God 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**

June 27, 1991

**MR. PRESIDENT:**

The House has passed ENGROSSED HOUSE BILL NO. 2235, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 27, 1991

**MR. PRESIDENT:**

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 27, 1991

**MR. PRESIDENT:**

The Speaker has signed:  
HOUSE BILL NO. 1095,  
SUBSTITUTE HOUSE BILL NO. 1909,

HOUSE BILL NO. 2214,  
SENATE BILL NO. 5444,  
SENATE BILL NO. 5718,  
SENATE BILL NO. 5988,  
SENATE BILL NO. 5997,  
ENGROSSED SENATE BILL NO. 5998, and the same are herewith  
transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8416.

INTRODUCTION AND FIRST READING

SB 6006 by Senators Talmadge and Cantu

AN ACT Relating to state information systems and services; and amending RCW 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, 43.105.047, 43.105.052, 43.105.055, and 43.105.057.

Referred to Committee on Governmental Operations.

SB 6007 by Senators Roach, Wojahn, Owen, Rasmussen, McCaslin, Bailey and Oke

AN ACT Relating to the collection and preservation of physical evidence resulting from sex offenses against adults and children; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6008 by Senator Roach

AN ACT Relating to the repeal of RCW 11.92.095; repealing RCW 11.92.095; providing an effective date; and declaring an emergency.

HOLD.

SJM 8021 by Senators Roach, Owen, Craswell, Rasmussen, Thorsness, Oke, McCaslin, Bailey and Barr

Asking Congress to vote to raise the income tax exemption for children.

Referred to Committee on Children and Family Services.

SJM 8022 by Senators Anderson, McDonald, Snyder, Amondson, Owen, Metcalf, L. Smith, Craswell, Conner, Sutherland, Barr, Thorsness, Cantu, Oke, Bluechel, Johnson, Sellar, McCaslin, West and Matson

Petitioning Congress to enact legislation to remedy the chaos in state forests resulting from the designation of the spotted owl as a threatened species.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2235 by Representatives Wang, Wilson, Prince, Belcher, Silver, R. King, Orr, Spanel and Day

Raising various hunting and fishing fees.

HOLD.

#### MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill 2235 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, Senate Bill No. 6008 and Senate Joint Memorial No. 8022 were held on the desk.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1095,  
SUBSTITUTE HOUSE BILL NO. 1909,  
HOUSE BILL NO. 2214.

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

#### MESSAGE FROM THE HOUSE

June 27, 1991

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 2231, and the same is herewith transmitted.

Sincerely,  
ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
 ENGROSSED HOUSE BILL NO. 2231.

## MOTION

Senator Snyder moved that the Message from the House on the passage of Engrossed Substitute House Bill No. 1434 be read in on the Senate floor.

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

The President declared the question before the Senate to be the motion by Senator Snyder that the Message from the House on the passage of Engrossed Substitute House Bill No. 1434 be read in on the Senate floor.

## ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; Nays, 20; Absent, 1; Excused, 8.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, Metcalf, Newhouse, Oke, Roach, Sellar, L. Smith, von Reichbauer, West - 20.

Absent: Senator Niemi - 1.

Excused: Senators McDonald, Nelson, Owen, Patterson, Saling, Stratton, Thorsness, Vognild - 8.

## MESSAGE FROM THE HOUSE

June 26, 1991

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025, and the same is herewith transmitted.

Sincerely,  
 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

RESHB 1025 by House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Parish, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher,

Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson) (by request of Governor Gardner)

Establishing growth management strategies.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Reengrossed Substitute House Bill No. 1025 was advanced to second reading and placed on the second reading calendar.

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 on Engrossed Substitute Senate Bill No. 5790 and the House amendments, deferred June 27, 1991.

#### MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 5790 and asks the House to recede therefrom.

Debate ensued.

#### MOTION

Senator Rasmussen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5790.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Rasmussen that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5790.

The motion by Senator Rasmussen to concur in the House amendments to Engrossed Substitute Senate Bill No. 5790 failed.

The Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5790 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

June 26, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5985 with the following amendments:

On page 3, beginning on line 19, strike the remainder of the bill and insert the following:

NEW SECTION. Sec. 3. 1991 c 332 s 45 is repealed.

NEW SECTION. Sec. 4. If funding for the purposes of sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) is not provided in the omnibus appropriations act, sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) and this act shall be null and void.

On page 1, line 6 of the title, after "70.180.910;" strike "and creating a new section" and insert "creating a new section; and repealing 1991 c 332 s 45 (uncodified)", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5985.

#### MOTION

On motion of Senator Murray, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5985, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5985, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Oke, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Nelson, Niemi, Owen, Patterson, Saling, Stratton, Vognild - 7.

ENGROSSED SENATE BILL NO. 5985, 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 President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 5560, deferred on third reading June 27, 1991.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, you just stated some figures about where this additional enforcement revenue would come. Whose figures are those?"



Senator McDonald: "Those are the Liquor Control Board."

Senator Talmadge: "The thing that I find striking about that is Carter Mitchell who is the chief enforcement officer from the Liquor Control Board came before the Ways and Means Committee and testified that he did not believe that the Liquor Control Board, in its enforcement efforts, would do anything different or enhance beyond that which the Department of Revenue is presently doing. I guess I am wondering how the additional revenue is going to come rolling in as a result of this change of boxes on the management chart."

Senator McDonald: "Well, as you know Senator Talmadge, the responsibility will be an analogous of those that are in the alcohol, tobacco and firearm enforcement responsibility at the federal level. The fiscal note which has been crafted by the Liquor Control Board and signed off by OFM states that the additional costs will be about two point five million dollars for enforcement officers and about three point nine million dollars extra revenue.

"I think, Senator Talmadge, if you look at the enforcement rigor that has taken place under the Department of Revenue, it would tell and it has certainly told me that any additional rigorous adherence to collecting these would yield some additional dollars, and I think it will, and apparently OFM and the Liquor Control Board think so, as well, because that is what the fiscal note says."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, I'm curious and I don't quite understand it. The Constitution provides that the Governor shall enforce the laws of the state of Washington. The Liquor Board is under the Governor; the Revenue Department is under the Governor. How can you assume that one department under the Governor will work better than the Revenue Department which is under the Governor--both appointees of the Governor--and if they do not enforce the law, the Governor's charge, it is his constitutional responsibility, to see that the laws are enforced. Now, what's the difference?"

Senator Hayner: "The Liquor Board has appeared before the Ways and Means Committee and indicated that they would enforce it."

Senator Rasmussen: "That's why I am curious. The Revenue Department has said they will not enforce it and the Liquor Board will--they are both under the Governor. Explain the difference. Are you going to defer to Senator McDonald? Can you answer that question? Would both departments--one refuses to enforce the law and the other one says they will. Why haven't some heads fallen in the department heads there?"

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Well, Senator Rasmussen, you know that has been at the pleasure of the Governor. The Liquor Control Board, although appointed by the Governor, is under the commissioners appointed by the Governor. They are independent of the Governor to the extent that any board

that he appoints is independent. We do know that the Liquor Control Board has enforcement officers with police rights. The Revenue Department does not have that. I am confident that with that additional responsibility that we can and should collect those revenues and I think this bill is a reflection of that."

Senator Rasmussen: "Senator McDonald, clear up one more thing, you said that the Revenue Department does not have police powers? Most people find them on their tail and discover that they do have police powers."

Senator McDonald: "They do not have enforcement officers as the Liquor Control Board does and I just once again draw the analogy between this--alcohol, tobacco and firearms department, which is part of the federal government. They have both tobacco and alcohol under their responsibility. I think it is a system that works and will work in this state as well."

#### POINT OF INQUIRY

Senator Madsen: "Senator Talmadge, Senator McDonald just said that one of the key factors here why the Liquor Board should handle this tax collection, versus the Department of Revenue, is the police powers of the Liquor Board. Can you explain to me what that means?"

Senator Talmadge: "I'm not certain that there are any different sets of authority in terms of police powers conferred upon the Liquor Control Board that would be available to agents of the Department of Revenue or the Washington State Patrol. My understanding is that those police powers are essentially identical and that the Liquor Control Board, though it can enforce liquor laws with its agents, the Department of Revenue has enforced the cigarette tax with its agents and with the Washington State Patrol. I don't see that there is any difference at all."

Senator Madsen: "Just one further question, Senator Talmadge. If what you say is correct, what is the advantage of this shift, other than it appears to gain on paper one point eight or one point nine million dollars, what is the advantage to the taxpayers of the state of Washington?"

Senator Talmadge: "I have some difficulty discerning what the advantage is because, quite frankly the people from the Liquor Control Board testified that they are going to encounter the same difficulty as the people from the Department of Revenue enforcing the law--that is the military reservations, the Indian reservations and the other long-standing enforcement problems--that existed with respect to the cigarette tax. They don't have any different, that I can see, availability of man power than does the Department of Revenue, so I'm not sure where this additional money is going to come from."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5560.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, M. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Snyder, Sutherland, Thorsness, von Reichbauer, West - 29.

Voting nay: Senators Conner, Gaspard, Hansen, Jesernig, Madsen, Moore, Murray, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Williams, Wojahn - 14.

Excused: Senators Nelson, Niemi, Owen, Saling, Stratton, Vognild - 6.

SENATE BILL NO. 5560, having received the 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. 6004, by Senator Hayner

Reviewing Indian gaming compacts.

The bill was read the second time.

## MOTION

Senator Hayner moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

(1) Upon request of an Indian tribe as defined in P.L. 100-497, the gambling commission shall designate a negotiating team to implement P.L. 100-497, Sec.11(d)(3)(A) by negotiating with the tribe for the purpose of entering into a tribal-state compact. The commission shall be advised by the attorney general's office and shall consult with the governor, the state patrol, the lottery commission, the horse racing commission, and interested local governments during the course of negotiations.

(2) The commission shall conduct at least one public hearing and provide an opportunity for public comment on any proposed compact. Upon completion of the public hearing process and upon a majority vote of all of its members, the commission shall by single resolution either remand the proposal for further negotiations, or approve the proposal. If approved, the commission shall immediately forward the compact to the chief clerk of the house of representatives and the secretary of the senate. Within thirty days each house of the legislature shall vote by floor resolution, its approval or disapproval of the proposed compact and forward its recommendations to the governor.

(3) In the event the legislature has not convened or is not expected to be convened in regular or special session during the thirty day review period the chief clerk and the secretary shall conduct the vote on the compact by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their houses. The vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the houses at the convening of the next legislative session.

(4) Within thirty days of receipt of the floor resolutions from the house and the senate, the governor shall either approve or reject the compact. If rejected it shall be remanded to the gambling commission for further negotiation. Any subsequent

proposed compact shall be presented to the legislature pursuant to the procedures contained in this section.

**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.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hayner to Senate Bill No. 6004.

The motion by Senator Hayner carried and the striking amendment was adopted on a rising vote.

### MOTIONS

On motion of Senator Hayner, the following title amendment was adopted:

On page 1, line 2 of the title, strike "new sections" and insert "a new section"

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6004 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. 6004.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, McDonald, McMullen, Metcalf, Newhouse, Oke, Patterson, Rasmussen, Rinehart, Roach, Sellar, L. Smith, Snyder, Thorsness, von Reichbauer, West, Wojahn - 29.

Voting nay: Senators Bauer, Conner, Hansen, Madsen, Matson, McCaslin, Moore, Murray, Pelz, Skratek, A. Smith, Sutherland, Talmadge, Williams - 14.

Excused: Senators Nelson, Niemi, Owen, Saling, Stratton, Vognild - 6.

ENGROSSED SENATE BILL NO. 6004, having received the 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. 5959, by Senators McDonald, Hayner and West

Restricting eligibility for general assistance unemployable.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 5959 was returned to second reading and read the second time.

On motion of Senator McDonald, the following amendment by Senator West was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 74.04.005 and 1991 c 126 s 1 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~~) ninety 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 relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(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 for a period not to exceed nine months from the date the agreement is signed pursuant to this section 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: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(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.

NEW SECTION. Sec. 2. RCW 74.04.660 and 1989 c 11 s 26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6 are each repealed.

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 July 1, 1991.

On motion of Senator McDonald, 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 74.04.005; repealing RCW 74.04.660; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator McDonald, Engrossed Senate Bill No. 5959 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 McDonald, I know we want to slide by these things very quickly, but can you give us an estimate about how many people will be cut off GAU as a result of the adoption of this legislation--the requirement that people be incapacitated for a period of ninety days instead of sixty days that is presently the law?"

Senator McDonald: "No, I can't give you that number, Senator Talmadge. Obviously, some will be affected, but this is something that was recommended to us by the Governor two years ago. It was imbedded within the budget that has passed by the Conference Committee. It is something, I think, that has been debated long and hard and I think it is a good idea."

Senator Talmadge: "I bet, Senator McDonald, that you could tell me how much money this saves."

#### REMARKS BY THE PRESIDENT

President Pritchard: "All right. Senator Talmadge--"

Senator Talmadge: "I asked Senator McDonald to tell me how much money this saves."

President Pritchard: "It is obvious that Senator McDonald is not responding."

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. 5959.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 18; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Madsen, Matson, McDonald, Metcalf, Newhouse,

Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Snyder, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, McCaslin, McMullen, Moore, Murray, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams, Wojahn - 18.

Excused: Senators Nelson, Niemi, Owen, Saling, Stratton, Vognild - 6.

ENGROSSED SENATE BILL NO. 5959, having received the 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Insee, Morton and Holland) (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

The bill was read the second time.

## MOTION

Senator Gaspard moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Gaspard to Engrossed Substitute House Bill No. 1330.

The motion by Senator Gaspard carried and the amendment was adopted.

## MOTION

On motion of Senator McDonald, Engrossed Substitute House Bill No. 1330, 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. 1330, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators McCaslin, L. Smith - 2.

Excused: Senators Nelson, Niemi, Owen, Saling, Stratton, Vognild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, 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 returned the Senate to the fourth order of business.

### MESSAGE FROM THE HOUSE

June 27, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5996, and the same is herewith transmitted.

Sincerely,  
ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5996.

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

### SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025, by House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betzoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher,

Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson) (by request of Governor Gardner)

Establishing growth management strategies.

The bill was read the second time.

#### MOTION

On motion of Senator Hayner Reengrossed Substitute House Bill No. 1025 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 Snyder: "Senator McMullen, does the word on page 21, line 17, 'protect' mean that you can mitigate the impacts of uses on critical areas?"

Senator McMullen: "Yes, it does."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1025.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1025 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Oke, Pelz, Roach, A. Smith, L. Smith, Sutherland, Thorsness, von Reichbauer, Williams, Wojahn - 29.

Voting nay: Senators Amondson, Barr, Craswell, Hansen, Matson, McCaslin, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Skratek, Snyder, Talmadge, West - 15.

Excused: Senators Nelson, Owen, Saling, Stratton, Vognild, - 5.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025, having received the 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 rules were suspended and the Committee on Rules was relieved of Engrossed Second Substitute Senate Bill No. 5780.

On motion of Senator Newhouse, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5780 was placed on the third reading calendar.

## MOTION

At 10:28 a.m., on motion of Senator Newhouse, the Senate recessed until 11:30 a.m.

The Senate was called to order at 12:09 p.m. by President Pritchard.

## MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:09 p.m. by President Pritchard.

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

## MESSAGE FROM THE HOUSE

June 28, 1991

## MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1330 and the Senate amendments thereto.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as member of the Conference Committee on Engrossed Substitute House Bill No. 1330 and the Senate amendments thereto: Senators McDonald, Niemi and West.

## MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

## SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE BILL NO. 5985.

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 2235, by Representatives Wang, Wilson, Prince, Belcher, Silver, R. King, Orr, Spanel and Day

Raising various hunting and fishing fees.

The bill was read the second time.

## MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and McDonald be adopted:

On page 10, beginning on line 5, strike all of section 13, and renumber the remaining sections accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Metcalf and McDonald on page 10, beginning on line 5, to Engrossed House Bill No. 2235.

The motion of Senator Metcalf carried and the amendment was adopted.

## MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 5, after "77.32.380;" strike "adding a new section to chapter 77.32 RCW;"

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 2235, 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 Murray, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call

on the final passage of Engrossed House Bill No. 2235, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2235, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Niemi, Oke, Patterson, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Thorsness, West - 27.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Jesernig, McCaslin, Moore, Nelson, Newhouse, Pelz, Rasmussen, Roach, Sellar, L. Smith, Snyder, Vognilid, von Reichbauer, Williams - 18.

Excused: Senators Owen, Saling, Stratton, Wojahn - 4.

ENGROSSED HOUSE BILL NO. 2235, 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 returned the Senate to the fourth order of business.

### MESSAGES FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5996,

SENATE CONCURRENT RESOLUTION NO. 8416, and the same are

herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 28, 1991

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO

1231, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231.

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

## THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780, by Senate Committee on Ways and Means (originally sponsored by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell)

Enhancing employment transition programs for developmentally disabled high school students.

The bill was read the third time.

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. 5780.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5780, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams - 45.

Excused: Senators Owen, Saling, Stratton, Wojahn - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780, having received the 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson)

Regulating local government and self-insurance.

The bill was read the second time.



## MOTION

Senator von Reichbauer moved that the following amendment be adopted:  
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under chapter 51.14 RCW.

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

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water districts, sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the state risk manager of the division of risk management within the department of general administration.

NEW SECTION. Sec. 3. (1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, and may jointly purchase insurance or reinsurance with other entities for property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program shall be made under chapter 39.34 RCW.

(3) Every individual and joint self-insurance program is subject to audit by the state auditor.

(4) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(5) A local government entity that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

(6) Every joint self-insurance program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to this act can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

**NEW SECTION. Sec. 4.** (1) The property and liability advisory board is created, consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and five members appointed by the governor on the basis of their experience and knowledge in matters pertaining to local government risk management, self-insurance, and management of joint self-insurance programs. The board shall include at least two representatives from individual property or liability self-insurance programs and at least two representatives from joint property or liability self-insurance programs.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risks;

(b) Reviewing and approving the creation of joint self-insurance programs covering property or liability risks;

(c) Reviewing annual reports filed by joint self-insurance programs covering property and liability risks and recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of both individual and joint self-insurance programs covering liability or property risks.

(3) The board shall annually elect a chair and a vice-chair from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

**NEW SECTION. Sec. 5.** (1) The health and welfare advisory board is created consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and six members appointed by the governor on the basis of their experience and knowledge pertaining to local government self-insured health and welfare benefits programs. The board shall include one city management representative; one county management representative; two management representatives from local government self-insured health and welfare programs; and two representatives of state-wide employee organizations representing local government employees.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insured health and welfare benefits programs;

(b) Reviewing and approving the creation of both individual and joint self-insured health and welfare benefits programs;

(c) Reviewing annual reports filed by health and welfare benefits programs and in recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of health and welfare benefits programs.

(3) The board shall annually elect a chair and a vice-chair from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

**NEW SECTION. Sec. 6.** The state risk manager, in consultation with the property and liability advisory board, shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs in consultation with the health and welfare benefits advisory board. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

**NEW SECTION. Sec. 7.** Before the establishment of a joint self-insurance program covering property or liability risks by local government entities, or an individual or joint local government self-insured health and welfare benefits program, the entity or entities must obtain the approval of the state risk manager. Risk manager

approval is not required for the establishment of an individual local government self-insurance program covering property or liability risks. The entity or entities proposing creation of a self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager and the state auditor that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations or in the case of health and welfare benefits programs, the benefits to be provided, including any benefit definitions, terms, conditions, and limitations;

(2) The amount and method of financing the benefits or covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the self-insurance program;

(5) In the case of a joint program, the legal form of the program, including but not limited to any bylaws, charter, or trust agreement;

(6) In the case of a joint program, the agreements with members of the program defining the responsibilities and benefits of each member and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual upon whom service of process shall be executed on behalf of the program. In the case of a joint program, a designation of the individual to whom service of process shall be forwarded by the risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of creation and maintenance of the program; and

(12) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

**NEW SECTION. Sec. 8.** A local government entity may participate in a joint self-insurance program covering property or liability risks with similar local government entities from other states if the program satisfies the following requirements:

(1) Only those local government entities of this state and similar entities of other states that are provided insurance by the program may have ownership interest in the program;

(2) The participating local government entities of this state and other states shall elect a board of directors to manage the program, a majority of whom shall be affiliated with one or more of the participating entities;

(3) The program must provide coverage through the delivery to each participating entity of one or more written policies effecting insurance of covered risks;

(4) The program shall be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program shall be audited annually by the certified public accountants for the program, and such audited financial statements shall be delivered to the Washington state auditor and the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program shall be initiated only with financial institutions and/or broker-dealers doing business in those states in which participating entities are located, and such investments shall be audited annually by the certified public accountants for the program, and a list of such investments shall be delivered

to the Washington state auditor not more than one hundred twenty days after the end of each fiscal year of the program;

(7) The treasurer of a multistate joint self-insurance program shall be designated by resolution of the program and such treasurer shall be located in the state of one of the participating entities;

(8) The participating entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, retrospective premiums, or assessments, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program shall obtain approval from the state risk manager in accordance with this chapter and shall remain in compliance with the provisions of this chapter, except to the extent that such provisions are modified by or inconsistent with this section.

**NEW SECTION. Sec. 9.** (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove the formation of the self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) Whenever the state risk manager determines that a joint self-insurance program covering property or liability risks or an individual or joint self-insured health and welfare benefits program is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by registered mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the state auditor and the attorney general of the violation.

(c) After hearing or with the consent of a program governed by this chapter and in addition to or in lieu of a continuation of the cease and desist order, the risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid. The period within which such fines shall be paid shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the risk manager shall request the attorney general to bring a civil action on the risk manager's behalf to collect the fine. The risk manager shall pay any fine so collected to the state treasurer for the account of the general fund.

(4) Each self-insurance program approved by the state risk manager shall annually file a report with the state risk manager and state auditor providing:

(a) Details of any changes in the articles of incorporation, bylaws, or interlocal agreement;

(b) Copies of all the insurance coverage documents;

(c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;

(d) An actuarial analysis, if required;

(e) A list of contractors and service providers;

(f) The financial and loss experience of the program; and

(g) Such other information as required by rule of the state risk manager.

(5) No self-insurance program requiring the state risk manager's approval may engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the risk manager shall specify in detail the reasons for denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

**NEW SECTION. Sec. 10.** (1) All self-insurance programs governed by this chapter may provide for executive sessions in accordance with chapter 42.30 RCW to consider litigation and settlement of claims when it appears that public discussion of these matters would impair the program's ability to conduct its business effectively.

(2) Notwithstanding any provision to the contrary contained in the public disclosure act, chapter 42.17 RCW, in a claim or action against the state or a local government entity, no person is entitled to discover that portion of any funds or liability reserve established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in a supplemental or ancillary proceeding to enforce a judgment. All other records of individual or joint self-insurance programs are subject to disclosure in accordance with chapter 42.17 RCW.

(3) In accordance with chapter 42.17 RCW, bargaining groups representing local government employees shall have reasonable access to information concerning the experience and performance of any health and welfare benefits program established for the benefit of such employees.

**NEW SECTION. Sec. 11.** (1) The assets of a joint self-insurance program governed by this chapter may be invested only in accordance with the general investment authority that participating local government entities possess as a governmental entity.

(2) Except as provided in subsection (3) of this section, a joint self-insurance program may invest all or a portion of its assets by depositing the assets with the treasurer of a county within whose territorial limits any of its member local government entities lie, to be invested by the treasurer for the joint program.

(3) Local government members of a joint self-insurance program may by resolution of the program designate some other person having experience in financial or fiscal matters as treasurer of the program, if that designated treasurer is located in Washington state. The program shall, unless the program's treasurer is a county treasurer, require a bond obtained from a surety company authorized to do business in Washington in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

All program funds must be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the treasurer or a person appointed by the program and upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW. The treasurer shall establish a program account, into which shall be recorded all program funds, and the treasurer shall maintain such special accounts as may be created by the program into which the treasurer shall record all money as the program may direct by resolution.

(4) The treasurer of the joint program shall deposit all program funds in a qualified public depository or depositories as defined in RCW 39.58.010(2) and under the same restrictions, contracts, and security as provided for any participating local government entity, and such depository shall be designated by resolution of the program.

(5) A joint self-insurance program may invest all or a portion of its assets by depositing the assets with the state investment board, to be invested by the state investment board in accordance with chapter 43.33A RCW. The state investment board shall designate a manager for those funds to whom the program may direct requests for disbursement upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW.

(6) All interest and earnings collected on joint program funds belong to the program and must be deposited to the program's credit in the proper program account.

(7) A joint program may require a reasonable bond from any person handling money or securities of the program and may pay the premium for the bond.

(8) Subsections (3) and (4) of this section do not apply to a multistate joint self-insurance program governed by section 8 of this act.

**NEW SECTION. Sec. 12.** (1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute nor to local government participation in a multistate joint program where control is shared with local government entities from other states.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

**NEW SECTION. Sec. 13.** Every local government entity that has established a self-insurance program not subject to the prior approval requirements of this chapter shall provide written notice to the state auditor of the existence of the program. The notice must identify the manager of the program and the class or classes of risk self-insured. The notice must also identify all investments and distribution of assets of the program, the current depository of assets and the program's designation of asset depository and investment agent as required by section 11 of this act. In addition, the local government entity shall notify the state auditor whenever the program covers a new class of risk or discontinues the self-insurance of a class of risk.

**NEW SECTION. Sec. 14.** Every joint self-insurance program covering liability or property risks, excluding multistate programs governed by section 8 of this act, shall provide for the contingent liability of participants in the program if assets of the program are insufficient to cover the program's liabilities.

**NEW SECTION. Sec. 15.** A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, from fees assessed under chapter 48.02 RCW, from chapters 48.32 and 48.32A RCW, from business and occupations taxes imposed under chapter 82.04 RCW, and from any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to and no exemption is provided for insurance companies issuing policies to cover program risks, nor does it apply to or provide an exemption for third-party administrators or brokers serving the self-insurance program.

**NEW SECTION. Sec. 16.** (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) After the formation of the two advisory boards, each board may calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of the boards and the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

**NEW SECTION. Sec. 17.** (1) Any person who files reports or furnishes other information required under Title 48 RCW, required by the risk manager or the state auditor under authority granted by Title 48 RCW, or which is useful to the risk manager or the state auditor in the administration of Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the risk manager or to the state auditor, unless actual malice, fraud, or bad faith is shown.

(2) The risk manager and the state auditor, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the risk manager, the advisory boards, or the state auditor, unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

**Sec. 18.** RCW 41.04.180 and 1974 ex.s. c 82 s 1 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter ((48.52)) 48.62 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter ((48.52)) 48.62 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the



same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.400.350.

Sec. 19. RCW 35.23.460 and 1965 c 7 s 35.23.460 are each amended to read as follows:

Subject to chapter 48.62 RCW, any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

Sec. 20. RCW 35A.41.020 and 1983 c 3 s 66 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, self-insurance as provided in chapter 48.62 RCW, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.101 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

Sec. 21. RCW 36.32.400 and 1975-'76 2nd ex.s. c 106 s 7 are each amended to read as follows:

Subject to chapter 48.62 RCW, any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

Sec. 22. RCW 53.08.170 and 1987 c 50 s 1 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation.

Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation

plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965, if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 23. RCW 54.04.050 and 1984 c 15 s 1 are each amended to read as follows:

(1) Subject to chapter 48.62 RCW, any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: PROVIDED, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five percent of such employees may be so insured.

(2) A public utility district whose employees or officials are not members of the state retirement system engaged in the operation of electric or water utilities may contract for individual annuity contracts, retirement income policies or group annuity contracts, including prior service, to provide a retirement plan, or any one or more of them, and pay all or any part of the premiums therefor out of the revenue derived from the operation of its properties.

Sec. 24. RCW 56.08.100 and 1991 c 82 s 1 are each amended to read as follows:

Subject to chapter 48.62 RCW, a sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same

coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 25. RCW 57.08.100 and 1991 c 82 s 5 are each amended to read as follows:

Subject to chapter 48.62 RCW, a water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 26. RCW 43.09.260 and 1979 c 71 s 1 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of all taxing districts shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she

shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 27. RCW 39.58.080 and 1986 c 160 s 1 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, and funds deposited pursuant to a local government multistate joint self-insurance program as provided in section 8 of this act, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute: PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

Sec. 28. RCW 4.28.080 and 1987 c 361 s 1 are each amended to read as follows:

The summons shall be served by delivering a copy thereof, as follows:-

(1) If the action be against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent

thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) If against a self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

(15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

NEW SECTION. Sec. 29. Sections 1 through 17 of this act shall be added to chapter 48.62 RCW.

NEW SECTION. Sec. 30. (1) This act shall take effect January 1, 1992, but the state risk manager shall take all steps necessary to implement this act on its effective date.

(2) Every individual local government self-insured employee health and welfare plan and self-insurance program that has been in continuous operation for at least one year before the effective date of this act need not obtain approval to continue operations until January 1, 1993, but must comply with all other provisions of this act.

(3) Local government entity authority to self-insure employee health and welfare benefits applies retroactively to 1979.

NEW SECTION. Sec. 31. All rules adopted by the superintendent of public instruction by the effective date of this act that apply to self-insurance programs of educational service districts remain in effect until expressly amended, repealed, or superseded by the state risk manager or the state health care authority.

NEW SECTION. Sec. 32. 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. 33. The following acts or parts of acts are each repealed:

(1) RCW 48.62.010 and 1985 c 277 s 1 & 1979 ex.s. c 256 s 1;

(2) RCW 48.62.020 and 1979 ex.s. c 256 s 2;

(3) RCW 48.62.030 and 1985 c 277 s 2, 1983 c 59 s 17, & 1979 ex.s. c 256 s

3;

(4) RCW 48.62.035 and 1985 c 277 s 3;

(5) RCW 48.62.040 and 1986 c 302 s 1, 1985 c 278 s 1, & 1979 ex.s. c 256 s

4;

(6) RCW 48.62.050 and 1989 c 175 s 114 & 1979 ex.s. c 256 s 5;

(7) RCW 48.62.060 and 1979 ex.s. c 256 s 6;

(8) RCW 48.62.070 and 1988 c 281 s 4, 1985 c 277 s 4, & 1979 ex.s. c 256 s

7;

(9) RCW 48.62.080 and 1985 c 277 s 5 & 1979 ex.s. c 256 s 8;

(10) RCW 48.62.090 and 1979 ex.s. c 256 s 9;

- (11) RCW 48.62.100 and 1985 c 277 s 6 & 1979 ex.s. c 256 s 10;  
 (12) RCW 48.62.110 and 1985 c 277 s 7 & 1979 ex.s. c 256 s 11; and  
 (13) RCW 48.62.120 and 1979 ex.s. c 256 s 12.  
 Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, is this amendment approved by state auditor, Bob Graham?"

Senator von Reichbauer: "Yes, he supports it. I didn't ask for endorsement, because I don't think it is right to ask endorsement from the executive branch."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator von Reichbauer to Engrossed Substitute House Bill No. 1907.

The motion by Senator von Reichbauer carried and the striking amendment was adopted.

### MOTIONS

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 41.04.180, 35.23.460, 35A.41.020, 36.32.400, 53.08.170, 54.04.050, 56.08.100, 57.08.100, 43.09.260, 39.58.080, and 4.28.080; adding new sections to chapter 48.62 RCW; creating new sections; repealing RCW 48.62.010, 48.62.020, 48.62.030, 48.62.035, 48.62.040, 48.62.050, 48.62.060, 48.62.070, 48.62.080, 48.62.090, 48.62.100, 48.62.110, and 48.62.120; and providing an effective date."

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute House Bill No. 1907, 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. 1907, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1907, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams - 45.

Excused: Senators Owen, Saling, Stratton, Wojahn - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907, 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 Newhouse, the rules were suspended and Senate Bill No. 6008 and Senate Joint Memorial No. 8022, which were held on the desk from today's Introduction and First Reading Calendar, were advanced to second reading and placed on the second reading calendar.

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

### MESSAGES FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 27, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,

HOUSE BILL NO. 2242, 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 OF HOUSE BILLS

RESHB 1058 by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser) (by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

HOLD.

ESHB 1831 by House Committee on Revenue (originally sponsored by Representatives Wang and Appelwick)

Subjecting certain ownership changes to real estate excise taxation.

HOLD.

ESHB 1856 by House Committee on Revenue (originally sponsored by Representatives Wang and Holland) (by request of Department of Agriculture and Office of Financial Management)

Making major changes to the weights and measures statutes.

HOLD.

HB 2242 by Representatives Wang, Horn, Hine, Holland, Franklin, Wineberry, Phillips, Pruitt, Cole, Zellinsky, G. Fisher, Scott, H. Sommers, Nelson, O'Brien, May, Valle, D. Sommers, Moyer, Miller, Padden, Betzoff, Forner, Wood, Paris, Wynne, Mitchell, Bowman, Neher, Schmidt, P. Johnson, Tate, Edmondson, Vance, Ballard and Casada

Modifying phase-in of property taxes for homes for the aging.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Reengrossed Substitute House Bill No. 1058, Engrossed Substitute House Bill No. 1831, Engrossed Substitute House Bill No. 1856 and House Bill No. 2242 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 3:02 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:09 p.m. by President Pritchard.

#### MOTIONS

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

Senator Newhouse moved that the rules be suspended and the Committee on Ways and Means be relieved of House Concurrent Resolution No. 4422 and that House Concurrent Resolution No. 4422 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the rules be suspended and the Committee on Ways



and Means be relieved of House Concurrent Resolution No. 4422 and that House Concurrent Resolution No. 4422 be advanced to second reading and placed on the second reading calendar.

The motion by Senator Newhouse carried and House Concurrent Resolution No. 4422 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 BILL NO. 6008, by Senator Roach

Repealing RCW 11.92.095.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6008 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. 6008.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Absent: Senators McDonald, West - 2.

Excused: Senators Saling, Stratton - 2.

SENATE BILL NO. 6008, having received the constitutional majority, 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. 8022, by Senators Anderson, McDonald, Snyder, Amondson, Owen, Metcalf, L. Smith, Craswell, Conner, Sutherland, Barr, Thorsness, Cantu, Oke, Bluechel, Johnson, Sellar, McCaslin, West and Matson

Petitioning Congress to enact legislation to remedy the chaos in state forests resulting from the designation of the spotted owl as a threatened species.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Anderson, the rules were suspended, 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 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, 37; Nays, 9; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, Vognild, von Reichbauer, West - 37.

Voting nay: Senators M. Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams, Wojahn - 9.

Absent: Senator Skratek - 1.

Excused: Senators Saling, Stratton - 2.

SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 2242, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser) (by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2242 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. 2242.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Thorsness, von Reichbauer, West, Williams - 35.

Voting nay: Senators Hansen, M. Kreidler, Madsen, McCaslin, Moore, Niemi, Patterson, Pelz, Rasmussen, Talmadge, Vognild, Wojahn - 12.

Excused: Senators Saling, Stratton - 2.

HOUSE BILL NO. 2242, having received the constitutional majority, 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. 1856, by House Committee on Revenue (originally sponsored by Representatives Wang, and Holland) (by request of Department of Agriculture and Office of Financial Management)

Making major changes to the weights and measures statues.

The bill was read the second time.

### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1856 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 Owen: "Senator West, we're having a discussion over here. Do the recommendations automatically go into effect or do they have to be legislatively approved? Unless this had money tied to it, I don't know why it would be necessary unless they automatically went into effect."

Senator West: "I will check."

## MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1856 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831, by House Committee on Revenue (originally sponsored by Representatives Wang and Appelwick)

Subjecting certain ownership changes to real estate excise taxation.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1831 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. 1831.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1831 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Saling, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831, having received the 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. 1856, deferred on third reading earlier today.

## REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, I think I am answering Senator Owen and basically the story is that we started out this session with a Governor request bill asking us to raise fees, so that the Weights and Measures Department of Agriculture would be self sufficient. That became controversial

in the committee. Therefore, what we did was appropriate the subsidy or the public purpose of money for only one year. We've asked for a study in this bill and we are presuming that this study will come up with some reasonable way to charge for weights and measures in the next year, so that we can have this budget run without an additional fee. It is not automatic."

The President declared the question before the Senate to be roll call on the final passage of Engrossed Substitute House Bill No. 1856.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1856 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, M. Kreidler, Matson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Pelz, Rinehart, Roach, A. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Amondson, Bauer, Conner, Gaspard, Hansen, Jesernig, Madsen, McCaslin, Moore, Murray, Owen, Patterson, Rasmussen, Sellar, Skratek, L. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Saling, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856, having received the constitutional majority, 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 SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser) (by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

The bill was read the second time.

### MOTION

On motion of Senator McDonald, the rules were suspended, Reengrossed Substitute House Bill No. 1058 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 McDonald, I'm trying to read this bill and it is very long. I am a little bit confused; I noticed in a lot of places such as--I just happen to be looking at the Capital Historical Association Museum Funds. It says, 'All earnings of investments of balances in that fund shall be credited to the general fund,' and then that language is stricken. I've noticed it throughout the bill. I thought the intent here was to change the interest--

move the interest to the general fund, but I've noticed throughout the bill that we are striking that language and I would like to know what happens at the end of two years--why the language was stricken and what happens when it sunsets?"

Senator McDonald did not respond.

#### MOTION

On motion of Senator Newhouse, further consideration of Reengrossed Substitute House Bill No. 1058 was deferred.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4422, by Representatives Hine, McLean, Spanel, Sheldon, H. Myers, Pruitt, Kremen, Jones, Franklin, Ludwig, Bray, Cole, Rayburn, Valle, Wynne, Neher, D. Sommers, Fraser, Leonard, Basich, Rasmussen and Anderson

Resolving that the joint committee on pension policy continue to review pension options.

The concurrent resolution was read the second time.

#### MOTIONS

On motion of Senator Hayner, the following amendments by Senators Nelson and Johnson were considered simultaneously and were adopted:

On page 2, line 15, after "Plan" delete "I" and insert "II"

On page 2, line 16, after "System, Plan" delete "I, (except Plan II)" and insert "II"

On motion of Senator Hayner, the rules were suspended, House Concurrent Resolution No. 4422, 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.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4422, as amended by the Senate.

House Concurrent Resolution No. 4422, as amended by the Senate, was adopted by voice vote.

#### MOTION

On motion of Senator Newhouse, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 1427.

## MOTION

On motion of Senator Linda Smith, Senator McCaslin was excused.

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

## REPORT OF CONFERENCE COMMITTEE

ESHB 1427

JUNE 28, 1991

Includes "NEW ITEM": YES

Adopting the Capital Budget.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, Capital Budget, have had the same under consideration and we recommend that:

(1) The Senate Committee on Ways and Means striking amendments adopted on April 24, 1991, be rejected; and

(2) That the following Conference Committee amendments be adopted; and

(3) That the Conference Committee amendments be further amended to make technical corrections to the conference report as follows:

On page 19, line 20, after "park." insert "Any expenditure made under this appropriation shall conform to the capital campus master plan."

On page 28, line 3, following "grants" strike "to local governments"

On page 36, line 10, strike "To complete a plan for" and insert "For"

On page 142, line 4, after "preparing" strike ", and operating"

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

- "Drug Enf & Ed Acct" means Drug Enforcement and Education Account;
- "DSHS Constr Acct" means State Social and Health Services Construction Account;
- "Energy Eff Constr Acct" means Energy Efficiency Construction Account;
- "Energy Eff Svcs Acct" means Energy Efficiency Services Account;
- "ESS Rail Assis Acct" means Essential Rail Assistance Account;
- "ESS Rail Bank Acct" means Essential Rail Bank Account;
- "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
- "East Cap Constr Acct" means East Capitol Construction Account;
- "East Cap Devel Acct" means East Campus Development Account;
- "Fish Cap Proj Acct" means Fisheries Capital Projects Account;
- "For Dev Acct" means Forest Development Account;
- "Game Spec Wildlife Acct" means Game Special Wildlife Account;
- "H Ed Constr Acct" means Higher Education Construction Account 1979;
- "H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
- "H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;
- "Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;
- "L & I Constr Acct" means Labor and Industries Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;
- "LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;
- "LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;
- "Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;
- "ORA" means Outdoor Recreation Account;
- "ORV" means off road vehicle;
- "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
- "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
- "Public Safety and Education Acct" means Public Safety and Education Account;
- "Res Mgmt Cost Acct" means Resource Management Cost Account;
- "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
- "St Bldg Constr Acct" means State Building Construction Account;
- "St Fac Renew Acct" means State Facilities Renewal Account;
- "St H Ed Constr Acct" means State Higher Education Construction Account;
- "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
- "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
- "UW Bldg Acct" means University of Washington Building Account;



"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Wildlife Reimb Constr Acct" means Wildlife Reimbursable Construction Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**"PART 1  
GENERAL GOVERNMENT"**

**NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE**

(1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 2,839,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 360,000

Prior Biennia (Expenditures) . . . . . \$ 200,000

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 3,399,000

(2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 60,800

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 60,800

(3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 22,200

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 22,200

(4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 52,400

Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	500,000
	-----
TOTAL . . . . . \$	552,400

**NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS**

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

**Appropriation:**

St Bldg Constr Acct. . . . . \$	236,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	236,000

**NEW SECTION. Sec. 5. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS**

- (1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

**Appropriation:**

St Bldg Constr Acct. . . . . \$	150,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	150,000

**NEW SECTION. Sec. 6. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

- (1) Local jail facilities (88-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	308,000
Prior Biennia (Expenditures) . . . . . \$	2,692,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	3,000,000

- (2) For environmental cleanup related to underground storage tanks

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

(a) The moneys provided in this subsection shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The

guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	3,729,000
CEP & RI Acct . . . . . \$	390,000
For Dev Acct . . . . . \$	37,000
Res Mgmt Cost Acct . . . . . \$	118,000
	-----
Subtotal Appropriation . . . . . \$	4,274,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,274,000

(3) For asbestos removal or abatement projects

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

(a) The moneys provided in this subsection shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the project is required by (i) state law and approved by the office of financial management; (ii) an order of a court of competent jurisdiction; or (iii) federal law or regulation. The office of financial management shall approve the expenditure of moneys under this subsection only to the extent that the asbestos removal or abatement is incidental to, and necessitated by, a renovation, remodel, or other capital project. In all cases, only the minimum amount of asbestos work necessary to complete the improvement shall be approved. Asbestos removal or abatement shall not occur independently of other capital improvements except as provided under (i), (ii), or (iii) of this subsection.

(c) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(d) Subsections (3)(b) and (c) of this section do not apply to moneys reappropriated in this act for projects for which, before the effective date of this act, the design has been completed, bids have been requested, or a contract has been entered into.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	4,919,000
CEP & RI Acct . . . . . \$	25,000
	-----
Subtotal Reappropriation. . . . . \$	4,944,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$	9,588,000
CEP & RI Acct . . . . . \$	540,000
	-----
Subtotal Appropriation . . . . . \$	10,128,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	14,448,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

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

(a) The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

(b) Allocations from the appropriation in this subsection for land acquisition in the Spokane area shall be subject to the provisions of chapter 205, Laws of 1991 (House Bill No. 2198) and approval by the higher education coordinating board.

(c) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(d) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(e) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	31,301,667
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	31,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	109,000,000
		-----
TOTAL . . . . .	\$	171,301,667

(5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	282,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	282,000

**NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

(1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

**Reappropriation:**

<b>Cap Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>23,000</b>
Prior Biennia (Expenditures) . . . . .	\$	90,000
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>113,000</b>

- (2) Minor works: To complete minor works and other projects, including inadequate building systems (88-2-008), Northern State facility repairs (90-1-012), boiler plant structural repairs (90-1-016), building exterior repairs (90-2-006), mechanical system repairs (90-2-009), and building interior repairs (90-2-010)

**Reappropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>2,621,000</b>
Prior Biennia (Expenditures) . . . . .	\$	6,178,000
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>8,799,000</b>

- (3) Capitol Campus minor works: To complete minor works and other projects on the Capitol Campus, including boiler plant structural repairs (88-1-003), sidewalk and street repairs (90-2-005), building exterior repairs (90-2-006), and Capitol Lake shoreline repairs (90-3-013)

**Reappropriation:**

<b>Cap Bldg Constr Acct . . . . .</b>	<b>\$</b>	<b>1,278,000</b>
Prior Biennia (Expenditures) . . . . .	\$	1,587,000
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,865,000</b>

- (4) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

**Reappropriation:**

<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>5,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,000,000</b>

- (5) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

**Reappropriation:**

<b>East Cap Constr Acct . . . . .</b>	<b>\$</b>	<b>45,400,000</b>
Prior Biennia (Expenditures) . . . . .	\$	27,600,000
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>73,000,000</b>

- (6) Remodel of the John A. Cherberg Building (88-2-040)

The reappropriation in this subsection is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 3,000,000
Prior Biennia (Expenditures) . . . . .	0
Future Biennia (Projected Costs) . . . . .	0
	-----
TOTAL . . . . .	\$ 3,000,000

- (7) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

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

(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.

(b) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 1,700,000
Prior Biennia (Expenditures) . . . . .	50,000
Future Biennia (Projected Costs) . . . . .	0
	-----
TOTAL . . . . .	\$ 1,750,000

- (8) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . .	\$ 1,800,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . .	671,000
Prior Biennia (Expenditures) . . . . .	215,000
Future Biennia (Projected Costs) . . . . .	0
	-----
TOTAL . . . . .	\$ 2,686,000

- (9) Small and emergency repairs: For unexpected small and emergency repairs on the Capitol Campus, and at other general administration facilities throughout the state (92-1-001) (92-2-002)

<b>Appropriation:</b>	
Cap Bldg Constr Acct . . . . . \$	645,000
St Bldg Constr Acct. . . . . \$	261,000
	-----
Subtotal Appropriation . . . . . \$	906,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	2,571,000
	-----
TOTAL . . . . . \$	3,477,000

- (10) Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	140,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,371,000
	-----
TOTAL . . . . . \$	1,511,000

- (11) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the Capitol Campus (88-5-011) (92-2-003)

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

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

<b>Reappropriation:</b>	
Cap Purch & Dev Acct . . . . . \$	150,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	22,438,000
Prior Biennia (Expenditures) . . . . . \$	350,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	22,938,000

- (12) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	1,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	22,101,000
TOTAL . . . . .	\$	23,301,000

- (13) Minor works preplanning: To develop preplans and studies of minor works projects on the Capitol Campus (92-2-026)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	750,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	750,000

- (14) Capitol Lake: To develop a dredging plan and dredge Capitol Lake, to repair lake dam gates, and to repair shoreline areas damaged by erosion (92-2-015) (92-3-019)

\$200,000 of the appropriation in this subsection is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this subsection, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,125,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,125,000

- (15) Minor works: For minor works, repair, and improvement projects on the Capitol Campus and at other facilities owned by the department, including campus high voltage loop improvements, plaza garage elevator repairs, Capitol Campus control system improvements, Governor's Mansion structural repairs, utilities and grounds improvements, interior and exterior building repairs, and building mechanical and electrical system improvements (92-2-008) (92-2-009) (92-2-013) (92-2-014) (92-2-016) (92-2-017) (92-2-018) (92-2-020) (92-2-024)

**Appropriation:**

Cap Bldg Constr Acct . . . . .	\$	7,889,000
St Bldg Constr Acct. . . . .	\$	2,595,000
Subtotal Appropriation . . . . .	\$	10,484,000
Prior Biennia (Expenditures) . . . . .	\$	0



Future Biennia (Projected Costs) . . . \$	13,188,000
	-----
<b>TOTAL . . . . . \$</b>	<b>23,672,000</b>

- (16) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)

<b>Appropriation:</b>	
CEP & RI Acct . . . . . \$	280,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,278,000
	-----
<b>TOTAL . . . . . \$</b>	<b>1,558,000</b>

- (17) State facilities planning: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100) (92-5-101) (92-5-108) (92-5-102)

Of the appropriation in this subsection:

(a) \$750,000 is provided solely to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater;

(b) \$300,000 is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for co-location with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines;

(c) \$250,000 is provided solely to develop a master plan for light industrial facility needs in Thurston county; and

(d) \$200,000 is provided solely for a geotechnical and hydrological survey of the Capitol Campus.

The master plans and implementation strategy developed under this subsection shall incorporate transportation management and housing density principles designed to reduce commuter congestion and reliance on single-occupancy automobiles.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	1,500,000
Prior Biennia (Expenditures) . . . . . \$	500,000
Future Biennia (Projected Costs) . . . \$	0
	-----
<b>TOTAL . . . . . \$</b>	<b>2,000,000</b>

- (18) Thurston county landbank: To purchase, option, or otherwise control real property adjacent to the department of ecology in the city of Lacey for future state facilities (92-5-000)

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	8,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
<b>TOTAL . . . . . \$</b>	<b>8,000,000</b>

- (19) Heritage Park: To acquire property and begin planning for a park between the Capitol Campus and Budd Inlet (92-5-105)

The appropriation in this subsection may not be spent to acquire the property parcel located in Olympia south of Seventh Avenue and approximately two and seven-tenths acres in size if such property parcel is sold to a party other than the state after January 1, 1991, and the state's acquisition price is substantially greater than the acquisition price paid by the other party.

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	6,700,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	13,800,000
	-----
TOTAL . . . . . \$	20,500,000

- (20) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventative maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

**Appropriation:**

Cap Bldg Constr Acct . . . . . \$	591,000
St Bldg Constr Acct. . . . . \$	500,000
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Subtotal Appropriation . . . . . \$	1,091,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,091,000

- (21) Ventilation system repair: John L. O'Brien Building  
To replace existing heating, ventilation, and air conditioning system

**Appropriation:**

St Bldg Constr Acct. . . . . \$	650,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	650,000

**NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT**

- (1) Minor works: For minor works, repair, and improvement projects, including roof repair, exterior painting, facility upgrades, renovating heating, ventilation, and air conditioning systems, grounds and roads improvements, and support of

federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-007) (88-3-004) (86-2-004)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 438,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,291,000

General Fund--Federal . . . . . \$ 1,125,000

Subtotal Appropriation . . . . . \$ 3,416,000

Prior Biennia (Expenditures) . . . . . \$ 6,355,000

Future Biennia (Projected Costs) . . . \$ 8,691,000

TOTAL . . . . . \$ 18,900,000

- (2) Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 303,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 485,000

Prior Biennia (Expenditures) . . . . . \$ 497,000

Future Biennia (Projected Costs) . . . \$ 1,535,000

TOTAL . . . . . \$ 2,820,000

- (3) Underground storage tanks: To remove underground storage tanks and remediate contaminated soils (88-1-008)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 270,000

Prior Biennia (Expenditures) . . . . . \$ 550,000

Future Biennia (Projected Costs) . . . \$ 373,000

TOTAL . . . . . \$ 1,193,000

- (4) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)

**Appropriation:**

General Fund-Federal . . . . . \$ 1,728,000

St Bldg Constr Acct. . . . . \$ 1,127,000

Subtotal Appropriation . . . . . \$ 2,855,000

Prior Biennia (Expenditures) . . . . . \$ 163,000

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 3,018,000

- (5) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)

**Appropriation:**

General Fund-Federal . . . . . \$ 1,602,000

St Bldg Constr Acct. . . . . \$ 1,102,000

Subtotal Appropriation . . . . . \$	2,704,000
Prior Biennia (Expenditures) . . . . . \$	155,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,859,000

(6) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)

<b>Appropriation:</b>	
General Fund-Federal . . . . . \$	1,804,000
St Bldg Constr Acct. . . . . \$	1,206,000
	-----
Subtotal Appropriation . . . . . \$	3,010,000
Prior Biennia (Expenditures) . . . . . \$	170,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

(1) Preplanning liquor distribution center with materials handling system (92-1-001)

<b>Appropriation:</b>	
Liquor Revolving Acct . . . . . \$	120,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	120,000

**"PART 2  
HUMAN RESOURCES"**

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

For the purposes of this section, "capital cost" means land acquisition and project design and construction. All projects funded in this section, except those under subsection (5) of this section, shall comply with section 54 of this act.

(1) Development loan fund (88-2-002)

The appropriation in this subsection shall be used for loans in timber-dependent communities as defined in Engrossed Substitute House Bill No. 1341.

<b>Appropriation:</b>	
WA St Dev Loan Acct . . . . . \$	2,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,000,000

(2) Grays Harbor dredging (88-3-006)

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

(a) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(c) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in (b) of this subsection. Any money, up to \$10,000,000 provided from such sources other than those in (b) of this subsection, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the Port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	6,840,318
Prior Biennia (Expenditures) . . . . .	\$	3,159,682
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	10,000,000

(3) **Housing capital programs:** To construct, acquire, and rehabilitate low-income housing (88-5-015)

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

(a) \$8,000,000 is provided solely for the affordable housing program. The department may not approve a request for assistance under this subsection for projects located in cities and counties that do not have an affordable housing needs assessment approved by the department. The department shall by rule establish the content of the affordable housing needs assessment and criteria for the approval of the affordable housing needs assessment.

(b) \$8,000,000 is provided solely for the low-income weatherization program under chapter 70.164 RCW.

(c) \$34,000,000 is provided solely for the housing assistance program. Effective July 1, 1992, the department may not approve loan or grant requests for projects under this subsection that are inconsistent with the city's or county's and state's comprehensive housing affordability strategy, as required under Title I, section 105, of the National Affordable Housing Act of 1990.

(d) The Washington housing trust fund appropriation is provided solely for the department to contract with the University of Washington college of architecture for: (i) A study of regulatory impediments to affordable housing; (ii) a study on various innovative design techniques that can be used to increase housing density; (iii) a recommendation to the legislature for a new building code and associated regulations that will substantially reduce the cost of housing. No indirect costs of the contracting agent may be paid from this appropriation.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	10,000,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	50,000,000
Washington Housing Trust	
Fund . . . . . \$	150,000
	-----
Subtotal Appropriation . . . . . \$	50,149,500
Prior Biennia (Expenditures) . . . . . \$	8,000,000
Future Biennia (Projected Costs) . . . \$	100,000,000
	-----
TOTAL . . . . . \$	168,149,500

## (4) Columbia county courthouse (89-4-004)

The appropriations in this subsection are provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	600,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	60,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	660,000

## (5) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of chapter 314, Laws of 1991, (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

<b>Reappropriation:</b>	
Public Works Assist. . . . . \$	85,734,000
<b>Appropriation:</b>	
Public Works Assist. . . . . \$	88,491,000
Prior Biennia (Expenditures) . . . . . \$	54,534,447
Future Biennia (Projected Costs) . . . \$	231,877,000
	-----
TOTAL . . . . . \$	460,636,447

## (6) Seventh Street Hoquiam Theatre (90-2-008)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	250,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	250,000

- (7) Tall ships tourist attraction: To design and construct a tall ship tourist attraction

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

(a) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(b) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(c) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	513,105
Prior Biennia (Expenditures) . . . . . \$	486,895
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,000,000

- (8) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils (90-2-013)

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

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	250,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	250,000

- (9) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the reappropriation shall be expended for renovation of the Admiral Theatre in west Seattle.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	250,000
Prior Biennia (Expenditures) . . . . . \$	250,000

Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>500,000</b>

- (10) Emergency management building minor works (92-2-009)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	180,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>180,000</b>

- (11) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	600,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>600,000</b>

- (12) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

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

(a) Grants are limited to the following projects:

	Estimated Total Capital Cost	State Grant	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000	15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	<u>\$ 4,862,500</u>	<u>\$ 729,000</u>	15%
<b>Total</b>	<b>\$ 94,277,500</b>	<b>\$ 14,141,000</b>	

(b) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is



less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(c) State funding shall be distributed to projects in the order in which matching requirements have been met.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	10,738,900
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	3,402,100
		-----
TOTAL . . . . .	\$	14,141,000

- (13) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	5,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	5,000,000

- (14) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	8,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	8,500,000

- (15) Spokane Food Bank: For construction of a freezer/cooler

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	125,000
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	275,000

- (16) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus  
 The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	500,000

- (17) Nordic Heritage Museum: For building acquisition and improvements (90-2-007)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	200,000

- (18) Thorp Grist Mill: Restoration (90-5-010)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	10,000
Prior Biennia (Expenditures) . . . . .	\$	20,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	30,000

- (19) Bremerton naval heritage redevelopment project

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

(a) This reappropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(b) No portion of this reappropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(c) Prior to the expenditure of this reappropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	190,000
Prior Biennia (Expenditures) . . . . .	\$	66,000

Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	256,000

(20) Marine science center construction

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

(a) This reappropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(b) Expenditure of this reappropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	498,000
Prior Biennia (Expenditures) . . . . . \$	2,500
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	500,000

(21) A Contemporary Theater (90-1-006)

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

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	1,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,000,000

(22) Liberty Theater: To restore and rehabilitate Liberty Theater in Walla Walla

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

(a) Expenditure of moneys from this reappropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this reappropriation.

(b) The reappropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(c) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this reappropriation.

(d) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	200,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	200,000

- (23) Yakima county: For construction and expansion of jail facilities in Yakima county

The reappropriation in this subsection may not exceed eighty percent of the total capital cost of the project. The remaining portion of project capital costs shall be a match from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	2,400,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	2,400,000
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- (24) Resource Center for the Handicapped: To acquire the building in which the center currently operates

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

(a) The appropriation may be used only to purchase the facility declared surplus by the Shoreline school district in which the center operates a program as of the effective date of this section; and

(b) No expenditure shall be made until an equal amount of private, nongovernmental moneys dedicated to the purchase of the facility have been raised.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,500,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----

TOTAL . . . . . \$	1,500,000
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- (25) Columbia river waterfront: Planning and coordinating existing and future land use, park, transportation, historical, and utility improvements along the shoreline of the Columbia river between the flushing channel and the Interstate 205 bridge

The appropriation in this subsection shall be matched by at least \$100,000 from nonstate sources provided for the same purpose.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	100,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----

TOTAL . . . . . \$	100,000
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- (26) Asian Resource Center: To construct an Asian Resource Center in Seattle  
This appropriation shall be matched by at least \$600,000 in cash provided from nonstate sources.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	150,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
		-----
TOTAL . . . . .	\$	150,000

(27) Pike Place Market: For a grant to the city of Seattle (the "city") for the Pike Place Market preservation and development authority (the "authority") to acquire the interests of what is known as the urban group partnerships (the "partnerships") in eleven properties located in the Pike Place Market historical district (the "district")

(a) No portion of the appropriation in this subsection may be expended until the city certifies to the department that:

(i) The settlement proposal agreement dated June 6, 1991, concerning the properties in the district is confirmed, including but not limited to provisions that:

(A) The partnerships will receive not more than a total of \$2,250,000 under the agreement;

(B) All rights, clear title, and interest in the market property will be relinquished by the partnerships and conveyed to the authority; and

(C) All pending litigation and related disputes will be dismissed with prejudice or otherwise finally resolved;

(ii) The city has amended the authority's charter to preclude any future sales of interests in authority properties in the district that could result in loss of authority management responsibilities;

(iii) The authority has executed and recorded a conservation easement, which has been approved by the department, providing protection for the character-defining features of the district. The term of the easement shall extend until the year 2012 or until the bonds sold to provide for this appropriation are retired, whichever is later. The easement shall inure to the benefit of the state.

(b) The appropriation in this subsection shall be matched by at least \$750,000 provided from nonstate sources for the same purpose as this appropriation.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
		-----
TOTAL . . . . .	\$	1,500,000

(28) Keyport Naval Undersea Museum: To complete an auditorium in the museum

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	500,000
Future Biennia (Projected Costs) . . .	\$	0
		-----
TOTAL . . . . .	\$	800,000

(29) Marcus Whitman Statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	53,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>53,000</b>

- (30) Mystic Lake flood assistance: To complete a plan for mitigation of development-induced flooding of the lake

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	53,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>53,000</b>

- (31) Maritime Museum: For exhibit, architecture, and facility planning for a maritime museum on the Seattle waterfront

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>200,000</b>

- (32) Tacoma educational enrichment center

The appropriation in this subsection shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	2,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,200,000</b>

- (33) Meeker Mansion: For acquisition of property adjacent to the Ezra Meeker mansion in Puyallup

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

(a) The appropriation shall be matched by at least \$200,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(b) None of the appropriation may be spent until the Ezra Meeker Historical Society demonstrates to the satisfaction of the department that it will be able to raise \$200,000 through pledges and contributions.

(c) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	200,000

Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	200,000

- (34) Almira and Coulee-Hartline school districts: To make improvements to the Coulee-Hartline facility needed for a cooperative high school program with the Almira school district

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

(a) No moneys may be expended until the boards of directors of the two school districts have provided to the department written confirmation that the moneys will be used solely to upgrade the Hartline facility for the purpose of implementing a cooperative high school district under chapter 28A.340 RCW;

(b) The appropriation shall be matched by at least \$100,000 provided by the Almira and Coulee-Hartline school districts for capital costs of the project.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	240,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	240,000

- (35) Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility

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

(a) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(b) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	3,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	3,000,000

- (36) Bonney Lake Park: For a grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection shall be matched by at least \$35,000 from nonstate sources provided for the same purpose.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	35,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0

TOTAL . . . . . \$ 35,000

- (37) Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands

The appropriation in this subsection shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct. . . . . \$ 350,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 350,000

- (38) Tears of Joy Theatre: For construction of an international puppetry center in Vancouver

The appropriation in this subsection shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct. . . . . \$ 1,950,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 1,950,000

- (39) Flood control structures: Repair of damage from November 1990 floods

The appropriation in this subsection is provided solely for the local share of matching funds required for federal assistance, to repair flood control structures damaged in the November 1990 floods. Local government jurisdictions in the following counties may receive up to 36.5% of the required local match, or the amount listed below, whichever is less:

Table with 2 columns: County Name and Amount. Rows include Chelan county (\$48,707), Clallam county (7,954), Grays Harbor county (2,755), Island county (656), Jefferson county (4,647), King county (209,337), Kitsap county (9,737), Kittitas county (30,914), Lewis county (14,802), Mason county (1,732), Pacific county (3,528), Pierce county (65,671), San Juan county (492), Skagit county (416,903), Snohomish county (188,005), and Whatcom county (229,160).



TOTAL 1,235,000

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,235,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,235,000

**Sec. 11. 1989 1st ex.s. c 12 s 208 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Spokane public facilities (89-5-005)

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

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) ~~((If the appropriation in this section is not expended by December 31, 1991, the appropriation in this section shall lapse))~~ Any moneys from this appropriation that are not expended by the Spokane public facilities district by June 30, 1993, shall be returned to the department of community development and shall lapse.

(3) This appropriation shall lapse if an appropriation is enacted for the same purpose in Substitute Senate Bill No. 6074 prior to June 30, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		500,000

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

(1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)

**Reappropriation:**

L & I Constr Acct . . . . .	\$	44,700,000
Prior Biennia (Expenditures) . . . . .	\$	18,300,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	63,000,000

**NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) Rainier: Renovate Evergreen Center (79-1-017)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
DSHS Constr Acct. . . . .	\$	119,477
Subtotal Reappropriation. . . . .	\$	319,477

	Prior Biennia (Expenditures) . . . . . \$	4,230,523
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	4,550,000
(2)	Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)	
	\$9,529 of the appropriation may be used by Yakima county for improvements at the Community Center for the Deaf to permit increased service level to handicapped clients. This amount may be expended only if the final application for the project is submitted to the department by December 31, 1991, and approved by March 31, 1992.	
	<b>Reappropriation:</b>	
	Hndcp Fac Constr Acct . . . . . \$	253,531
	Prior Biennia (Expenditures) . . . . . \$	33,371
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	286,902
(3)	Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	130,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	130,000
(4)	Western State Hospital: Sanitary sewer (88-2-400)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	200,000
	Prior Biennia (Expenditures) . . . . . \$	2,109,238
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	2,309,238
(5)	Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	2,600,000
	Prior Biennia (Expenditures) . . . . . \$	364,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	2,964,000
(6)	Emergency capital repairs (90-1-007)	
	<b>Reappropriation:</b>	
	CEP & RI Acct . . . . . \$	25,000
	Prior Biennia (Expenditures) . . . . . \$	444,578

	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>469,578</b>
(7)	Western State Hospital: Ward renovations, phase 4 (90-1-312)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>6,000,000</b>
	Prior Biennia (Expenditures) . . . . . \$	192,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>6,192,000</b>
(8)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>2,000,000</b>
	Prior Biennia (Expenditures) . . . . . \$	2,510,400
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>4,510,400</b>
(9)	Minor capital renewal: Utilities and facilities (90-2-001), roads and grounds (90-2-002), roofs (90-2-003), fire and safety (90-1-004), and hazardous substances (90-1-005)	
	<b>Reappropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>850,000</b>
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>450,000</b>
	Subtotal Reappropriation. . . . . \$	1,300,000
	Prior Biennia (Expenditures) . . . . . \$	2,633,393
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>4,733,725</b>
(10)	Small repairs and improvements (90-2-008)	
	<b>Reappropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>50,000</b>
	Prior Biennia (Expenditures) . . . . . \$	140,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>190,000</b>
(11)	Minor projects: Bureau of alcohol (90-2-010)	
	<b>Reappropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>350,000</b>
	Prior Biennia (Expenditures) . . . . . \$	92,400
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>442,400</b>

(12) Minor projects: Juvenile rehabilitation division (90-2-020)

**Reappropriation:**

CEP & RI Acct . . . . . \$	200,000
St Bldg Constr Acct. . . . . \$	25,000
	-----
Subtotal Reappropriation. . . . \$	225,000
Prior Biennia (Expenditures) . . . . . \$	285,781
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	510,781

(13) Minor projects: Mental health division (90-2-030) and (90-2-032)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	200,000
CEP & RI Acct. . . . . \$	65,000
	-----
Subtotal Appropriation . . . . . \$	265,000
Prior Biennia (Expenditures) . . . . . \$	460,000
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	725,000

(14) Snohomish county: Mental health evaluation and treatment facility (90-2-033)

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

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	800,000
Prior Biennia (Expenditures) . . . . . \$	200,000
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	1,000,000

(15) Minor projects: Developmental disabilities division (90-2-040)

**Reappropriation:**

	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 250,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 484,222
	Future Biennia (Projected Costs) . . . . .	0
	<b>TOTAL . . . . .</b>	<b>734,222</b>
(16)	Minor capital renewal, mental health (90-2-060)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 500,000
	Future Biennia (Projected Costs) . . . . .	0
	<b>TOTAL . . . . .</b>	<b>1,000,000</b>
(17)	Child care facilities (90-2-300)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 350,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 250,000
	Future Biennia (Projected Costs) . . . . .	0
	<b>TOTAL . . . . .</b>	<b>600,000</b>
(18)	Eastern State: Electrical distribution system (90-2-345)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 600,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 771,600
	Future Biennia (Projected Costs) . . . . .	0
	<b>TOTAL . . . . .</b>	<b>1,371,600</b>
(19)	Lakeland Village: Steam plant replacement (90-2-425)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 3,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$ 1,063,000
	Future Biennia (Projected Costs) . . . . .	0
	<b>TOTAL . . . . .</b>	<b>4,063,000</b>
(20)	Preplanning (90-4-009)	

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

	<b>Reappropriation:</b>	
	<b>CEP &amp; RI Acct . . . . .</b>	<b>\$ 50,000</b>
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . .</b>	<b>\$ 273,300</b>

	Prior Biennia (Expenditures) . . . . . \$	141,400
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	464,700
(21)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,100,000
	Prior Biennia (Expenditures) . . . . . \$	156,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,256,000
(22)	Echo Glen: Perimeter fence (90-5-002)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	850,000
	Prior Biennia (Expenditures) . . . . . \$	106,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	956,000
(23)	Fircrest: Food bank facility (90-5-011)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	700,000
	Prior Biennia (Expenditures) . . . . . \$	88,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	788,000
(24)	Minor capital renewal fire safety (92-1-004), utilities and facilities (92-2-001), roads and grounds (92-2-002), and roofs (92-2-003)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	3,284,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	7,136,000
	TOTAL . . . . . \$	10,420,000
(25)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	359,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	664,000
	TOTAL . . . . . \$	1,023,000

- (26) Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)

**Appropriation:**

CEP & RI Acct . . . . . \$	250,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	538,100
	-----
TOTAL . . . . . \$	788,100

- (27) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)

**Appropriation:**

CEP & RI Acct . . . . . \$	145,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	618,000
	-----
TOTAL . . . . . \$	673,000

- (28) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	13,669,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	13,669,000

- (29) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	7,578,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	7,578,000

- (30) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

**Appropriation:**

CEP & RI Acct . . . . . \$	192,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	430,500

	TOTAL . . . . . \$	----- 622,500
(31)	Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>300,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	----- 300,000
(32)	Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>957,500</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	1,849,731
	TOTAL . . . . . \$	----- 2,807,231
(33)	Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>1,317,200</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	2,656,600
	TOTAL . . . . . \$	----- 3,973,800
(34)	Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>912,400</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	1,472,000
	TOTAL . . . . . \$	----- 2,384,400
(35)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)	
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.	



**Appropriation:**

St Bldg Constr Acct. . . . .	\$	6,715,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	6,715,800

- (36) Maple Lane: To add forty-seven new level 2 security beds (92-2-230)  
 The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,107,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,107,000

- (37) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,642,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	2,642,300

- (38) Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)

**Appropriation:**

CEP & RI Acct . . . . .	\$	292,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	473,500
		-----
TOTAL . . . . .	\$	766,300

- (39) Resource conservation: For energy and water conservation projects (92-4-006)

**Appropriation:**

CEP & RI Acct . . . . .	\$	561,100
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	442,600
		-----
TOTAL . . . . .	\$	1,003,700

- (40) Child care facilities for state employees, including higher education employees (92-4-050)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,500,000
------------------------------	----	-----------

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>2,500,000</b>
(41)	Washington Institute for Mental Illness Research at Western State Hospital	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>700,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>700,000</b>
	<b>NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF HEALTH</b>	
(1)	Referendum 38: Water bonds (86-2-099)	
	<b>Reappropriation:</b>	
	<b>Improv-Water Supply. . . . . \$</b>	<b>6,100,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>6,100,000</b>
(2)	Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>1,200,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	18,500,000
	<b>TOTAL . . . . . \$</b>	<b>19,700,000</b>
(3)	Consolidated request: Emergency repairs (92-2-002)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>49,560</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>49,560</b>
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit (92-2-003)	
	<b>Appropriation:</b>	
	<b>CEP &amp; RI Acct . . . . . \$</b>	<b>89,922</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>89,922</b>
(5)	Consolidated request: Small repairs and improvements (92-2-004)	
	<b>Appropriation:</b>	

	CEP & RI Acct . . . . . \$	49,560
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	49,560
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	297,124
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	297,124
(7)	Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	176,208
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	176,208
(8)	Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	92,509
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	92,509
(9)	Energy management system, phase 3 (92-4-006)	
	<b>Appropriation:</b>	
	CEP & RI Acct . . . . . \$	99,117
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	99,117

**NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

(1)	Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the soldiers' home (90-2-008)	
	<b>Reappropriation:</b>	
	CEP & RI Acct . . . . . \$	105,000
	<b>Appropriation:</b>	

	CEP & RI Acct . . . . .	\$	435,570
	Prior Biennia (Expenditures) . . . . .	\$	289,440
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	830,010
(2)	Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)		
	<b>Reappropriation:</b>		
	CEP & RI Acct . . . . .	\$	50,000
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	304,129
	Prior Biennia (Expenditures) . . . . .	\$	100,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	454,129
(3)	Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)		
	<b>Reappropriation:</b>		
	CEP & RI Acct . . . . .	\$	281,000
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	277,951
	Prior Biennia (Expenditures) . . . . .	\$	313,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	871,951
(4)	Design and renovate Garfield barracks (90-5-012)		

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes for the same services. In addition, the appropriation in this subsection may not be expended until the department has sought Medicaid certification for its existing facilities and has reported the results of these efforts to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	<b>Appropriation:</b>		
	CEP & RI Acct-Federal . . . . .	\$	2,878,000
	CEP & RI Acct . . . . .	\$	1,550,000
	Subtotal Appropriation . . . . .	\$	4,428,000
	Prior Biennia (Expenditures) . . . . .	\$	35,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,463,000

- (5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)
- Appropriation:**
- |  |    |         |
|--|----|---------|
| CEP & RI Acct . . . . .                | \$ | 60,000  |
| Prior Biennia (Expenditures) . . . . . | \$ | 0       |
| Future Biennia (Projected Costs) . . . | \$ | 353,784 |
|  |    | -----   |
| TOTAL . . . . .                        | \$ | 413,784 |
- (6) Minor project: For asbestos removal projects (phase 2) at the veterans' and soldiers' homes (92-1-003)
- Reappropriation:**
- |  |    |         |
|--|----|---------|
| CEP & RI Acct . . . . .                | \$ | 90,000  |
| Prior Biennia (Expenditures) . . . . . | \$ | 235,000 |
| Future Biennia (Projected Costs) . . . | \$ | 600,000 |
|  |    | -----   |
| TOTAL . . . . .                        | \$ | 925,000 |
- (7) Contingency for emergency repairs (92-2-002)
- Appropriation:**
- |  |    |         |
|--|----|---------|
| CEP & RI Acct . . . . .                | \$ | 150,000 |
| Prior Biennia (Expenditures) . . . . . | \$ | 0       |
| Future Biennia (Projected Costs) . . . | \$ | 0       |
|  |    | -----   |
| TOTAL . . . . .                        | \$ | 150,000 |
- (8) Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)
- Appropriation:**
- |  |    |         |
|--|----|---------|
| CEP & RI Acct . . . . .                | \$ | 307,282 |
| Prior Biennia (Expenditures) . . . . . | \$ | 0       |
| Future Biennia (Projected Costs) . . . | \$ | 0       |
|  |    | -----   |
| TOTAL . . . . .                        | \$ | 307,282 |
- (9) Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)
- Appropriation:**
- |  |    |         |
|--|----|---------|
| CEP & RI Acct . . . . .                | \$ | 121,111 |
| Prior Biennia (Expenditures) . . . . . | \$ | 0       |
| Future Biennia (Projected Costs) . . . | \$ | 0       |
|  |    | -----   |
| TOTAL . . . . .                        | \$ | 121,111 |

- (10) Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)
- |  |                   |
|--|-------------------|
| <b>Appropriation:</b>                      |                   |
| CEP & RI Acct . . . . .                    | \$ 299,592        |
| Prior Biennia (Expenditures) . . . . .     | \$ 88,000         |
| Future Biennia (Projected Costs) . . . . . | \$ 0              |
| <b>TOTAL . . . . .</b>                     | <b>\$ 387,592</b> |
- (11) Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)
- |  |                   |
|--|-------------------|
| <b>Appropriation:</b>                      |                   |
| CEP & RI Acct . . . . .                    | \$ 13,414         |
| Prior Biennia (Expenditures) . . . . .     | \$ 0              |
| Future Biennia (Projected Costs) . . . . . | \$ 145,605        |
| <b>TOTAL . . . . .</b>                     | <b>\$ 159,019</b> |
- (12) Steam distribution study (92-2-024)
- |  |                     |
|--|---------------------|
| <b>Reappropriation:</b>                    |                     |
| CEP & RI Acct . . . . .                    | \$ 22,200           |
| <b>Appropriation:</b>                      |                     |
| CEP & RI Acct . . . . .                    | \$ 3,409            |
| Prior Biennia (Expenditures) . . . . .     | \$ 0                |
| Future Biennia (Projected Costs) . . . . . | \$ 1,117,406        |
| <b>TOTAL . . . . .</b>                     | <b>\$ 1,143,015</b> |
- (13) Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)
- |  |                   |
|--|-------------------|
| <b>Appropriation:</b>                      |                   |
| CEP & RI Acct . . . . .                    | \$ 134,000        |
| Prior Biennia (Expenditures) . . . . .     | \$ 0              |
| Future Biennia (Projected Costs) . . . . . | \$ 0              |
| <b>TOTAL . . . . .</b>                     | <b>\$ 134,000</b> |
- (14) Minor works: Covered walkway (92-5-008)
- |  |                  |
|--|------------------|
| <b>Appropriation:</b>                      |                  |
| CEP & RI Acct . . . . .                    | \$ 38,038        |
| Prior Biennia (Expenditures) . . . . .     | \$ 0             |
| Future Biennia (Projected Costs) . . . . . | \$ 0             |
| <b>TOTAL . . . . .</b>                     | <b>\$ 38,038</b> |
- (15) Preplanning for an Eastern Washington Veteran's Health Service Center including site analysis for potential sites, basic facility design, cost estimates,

analysis of client workload and service needs, and analysis of the facility organization and operation (92-5-022)

In assessing the need for a facility the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
  - (b) Rehabilitation and therapy that, upon completion, allow veterans to return to or remain in the home or an alternative community living situation;
  - (c) Alzheimers disease care;
  - (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
  - (e) Assisted living;
  - (f) Temporary living quarters for homeless veterans;
  - (g) Adult daycare;
  - (h) Referral and coordination of services for veterans in their communities;
- and
- (i) Residential nursing care for functionally disabled veterans.

**Appropriation:**

CEP & RI Acct . . . . . \$	148,492
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	148,492

- (16) Minor projects: Utilities and energy sewer project and the soldiers' home (90-4-006)

**Reappropriation:**

CEP & RI Acct . . . . . \$	80,000
Prior Biennia (Expenditures) . . . . . \$	464,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	544,000

**NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations in this section are subject to the following condition and limitation: The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

- (1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	1,800,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	9,687,000
Prior Biennia (Expenditures) . . . . . \$	19,513,213

	Future Biennia (Projected Costs) . . . \$	9,281,500
	TOTAL . . . . . \$	40,281,713
(2)	Washington State Penitentiary: For improving security facilities and utilities (83-3-052)	
	The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,300,000
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,609,000
	Prior Biennia (Expenditures) . . . . . \$	11,536,721
	Future Biennia (Projected Costs) . . . \$	4,274,000
	TOTAL . . . . . \$	18,719,721
(3)	McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	4,800,000
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	3,230,500
	Prior Biennia (Expenditures) . . . . . \$	2,084,319
	Future Biennia (Projected Costs) . . . \$	4,780,000
	TOTAL . . . . . \$	14,894,819
(4)	McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	700,000
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,922,500
	Prior Biennia (Expenditures) . . . . . \$	5,400,879
	Future Biennia (Projected Costs) . . . \$	3,737,000
	TOTAL . . . . . \$	11,760,379
(5)	McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	2,100,000
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	2,040,000
	Prior Biennia (Expenditures) . . . . . \$	6,084,008
	Future Biennia (Projected Costs) . . . \$	3,805,000



	TOTAL . . . . .	\$	14,029,008
(6)	State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	450,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	2,298,000
	Prior Biennia (Expenditures) . . . . .	\$	863,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,611,000
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	900,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,731,000
	Prior Biennia (Expenditures) . . . . .	\$	461,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,092,000
(8)	McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)		
	The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	27,000,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	37,126,000
	Prior Biennia (Expenditures) . . . . .	\$	5,012,222
	Future Biennia (Projected Costs) . . . . .	\$	12,708,000
	TOTAL . . . . .	\$	81,846,222
(9)	Work and training release relocation and expansion: To relocate and expand the work release facility currently located at Western State Hospital		

No portion of this appropriation may be expended to purchase land until the department conducts a life-cycle cost analysis for the operating and capital costs

of a facility to be located on the land and reports the results of the analysis to the fiscal committees of the legislature.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	4,000,000
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Prior Biennia (Expenditures) . . . . .	\$	415,400
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Future Biennia (Projected Costs) . . .	\$	0
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TOTAL . . . . .	\$	4,415,400
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- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	900,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,388,000
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Prior Biennia (Expenditures) . . . . .	\$	715,000
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Future Biennia (Projected Costs) . . .	\$	7,709,000
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TOTAL . . . . .	\$	12,712,000
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- (11) Hazardous materials management (90-1-004)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	200,000
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Prior Biennia (Expenditures) . . . . .	\$	79,000
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Future Biennia (Projected Costs) . . .	\$	0
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TOTAL . . . . .	\$	279,000
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- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	600,000
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Prior Biennia (Expenditures) . . . . .	\$	1,052,000
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Future Biennia (Projected Costs) . . .	\$	1,183,000
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TOTAL . . . . .	\$	2,835,000
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- (13) State-wide minor projects (90-1-009)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	900,000
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St Bldg Constr Acct. . . . .	\$	2,700,000
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Subtotal Reappropriation. . . . .	\$	2,200,000
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Prior Biennia (Expenditures) . . . . .	\$	1,749,000
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Future Biennia (Projected Costs) . . .	\$	0
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	TOTAL . . . . .	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	300,000
	Prior Biennia (Expenditures) . . . . .	\$	456,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	<b>Reappropriation:</b>		
	CEP & RI Acct . . . . .	\$	150,000
	<b>Appropriation:</b>		
	CEP & RI Acct . . . . .	\$	750,000
	Prior Biennia (Expenditures) . . . . .	\$	600,000
	Future Biennia (Projected Costs) . . . . .	\$	750,000
	TOTAL . . . . .	\$	2,250,000
(16)	New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds (90-2-001)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	51,550,000
	Drug Enf & Ed Acct . . . . .	\$	5,900,000
	Subtotal Reappropriation. . . . .	\$	57,450,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	96,036,000
	Prior Biennia (Expenditures) . . . . .	\$	3,038,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	156,524,000
(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,050,000
	Prior Biennia (Expenditures) . . . . .	\$	160,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,210,000
(18)	Twin rivers Corrections Center: Double bunking (90-2-004)		
	<b>Reappropriation:</b>		

	St Bldg Constr Acct. . . . . \$	2,500,000
	Prior Biennia (Expenditures) . . . . . \$	481,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	2,981,000
(19)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	1,000,000
	Prior Biennia (Expenditures) . . . . . \$	128,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,128,000
(20)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	1,200,000
	Prior Biennia (Expenditures) . . . . . \$	538,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,738,000
(21)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	1,450,000
	Prior Biennia (Expenditures) . . . . . \$	187,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,637,000
(22)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	1,100,000
	Prior Biennia (Expenditures) . . . . . \$	113,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,213,000
(23)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	150,000
	Appropriation:	
	St Bldg Constr Acct. . . . . \$	2,631,000

Prior Biennia (Expenditures) . . . . . \$	1,350,000
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	4,131,000

(24) Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	23,000,000
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Prior Biennia (Expenditures) . . . . . \$	2,301,000
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	25,301,000
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(25) Camp labor pool funds (90-5-031)

Moneys from the reappropriation in this subsection shall made available to the department for expanded capacity projects in the event inmate labor cannot be employed.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	229,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	229,000
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(26) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	300,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,000,000
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TOTAL . . . . . \$	1,300,000
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(27) State-wide minor projects: For projects less than \$500,000 pertaining to life safety/code compliance, property protection, or essential program support (92-1-012)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	7,500,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	4,976,000
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TOTAL . . . . . \$	12,476,000
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(28) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	497,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>497,000</b>

- (29) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)

In retrofitting the boiler, the department shall consider using wood pellets or natural gas, whichever is the more economically competitive, as the primary fuel source for the boiler.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,164,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,164,000</b>

- (30) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 1,443,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,443,000</b>

- (31) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 888,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>888,000</b>

- (32) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 729,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>729,000</b>

- (33) Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 230,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,000,000
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TOTAL . . . . .	\$	1,230,000

- (34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,084,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,084,000

- (35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventative maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	325,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	325,000

- (36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,426,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	1,426,000

**"PART 3  
NATURAL RESOURCES"**

**NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE ENERGY OFFICE**

- (1) Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,729,400
<b>Appropriation:</b>		
Energy Eff Constr Acct . . . . .	\$	15,000,000
Prior Biennia (Expenditures) . . . . .	\$	217,000

	Future Biennia (Projected Costs) . . . \$	331,000,000
	TOTAL . . . . . \$	347,946,400
(2)	Energy partnership services: For project start-up <b>Appropriation:</b>	
	<b>Energy Eff Svcs Acct. . . . . \$</b>	<b>3,050,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	3,050,000
<b><u>NEW SECTION.</u> Sec. 18. FOR THE DEPARTMENT OF ECOLOGY</b>		
(1)	Referendum 26: Waste disposal facilities (74-5-004) <b>Reappropriation:</b>	
	<b>LIRA, Waste Disp Fac . . . . . \$</b>	<b>15,660,673</b>
	Prior Biennia (Expenditures) . . . . . \$	8,093,028
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	23,753,701
(2)	Referendum 38: Water supply facilities (74-5-006) <b>Reappropriation:</b>	
	<b>LIRA, Water Sup Fac . . . . . \$</b>	<b>26,744,618</b>
	Prior Biennia (Expenditures) . . . . . \$	2,466,576
	Future Biennia (Projected Costs) . . . \$	29,763,000
	TOTAL . . . . . \$	58,974,194
(3)	State emergency water project revolving account (76-5-003) <b>Reappropriation:</b>	
	<b>Emergency Water Proj. . . . . \$</b>	<b>7,599,337</b>
	<b>Appropriation:</b>	
	<b>Emergency Water Proj. . . . . \$</b>	<b>1,343,929</b>
	Prior Biennia (Expenditures) . . . . . \$	16,586,284
	Future Biennia (Projected Costs) . . . \$	224,761
	TOTAL . . . . . \$	25,754,311
(4)	Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)	

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and



(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

LIRA, Waste Disp Fac . . . . . \$	61,598,000
Prior Biennia (Expenditures) . . . . . \$	401,402,000
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	463,000,000

(5) Water quality account (86-5-007)

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

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

- (i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;
  - (ii) Give second priority to projects that reduce combined sewer overflows;
- and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

- (i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;
- (ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;
- (iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;
- (iv) Not more than ten percent for activities that control nonpoint source water pollution;
- (v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill

No. 1025 (Growth Management Strategies). If the bill is not enacted by July 31, 1991, the director of the department shall coordinate with the department of community development, the department of health, and the Puget Sound water quality authority as well as with other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee, a detailed work plan, budget, and schedule for completion of the evaluation.

<b>Reappropriation:</b>	
Water Quality Acct . . . . .	\$ 134,422,504
<b>Appropriation:</b>	
Water Quality Acct . . . . .	\$ 85,607,310
Prior Biennia (Expenditures) . . . . .	53,036,533
Future Biennia (Projected Costs) . . . . .	157,835,000
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TOTAL . . . . .	\$ 430,901,347

(6) Nisqually River Interpretive Center

<b>Appropriation:</b>	
St Bldg Constr Acct . . . . .	\$ 150,000
Prior Biennia (Expenditures) . . . . .	0
Future Biennia (Projected Costs) . . . . .	0
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TOTAL . . . . .	\$ 150,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

<b>Reappropriation:</b>	
Local Toxics Control . . . . .	\$ 27,653,297
<b>Appropriation:</b>	
Local Toxics Control . . . . .	\$ 59,183,607
Prior Biennia (Expenditures) . . . . .	18,467,142
Future Biennia (Projected Costs) . . . . .	106,984,641
	-----
TOTAL . . . . .	\$ 212,288,687

(8) Methow Basin water conservation

This appropriation in this subsection shall be used to fund water use efficiency improvements in this Methow Basin, including the installation of

headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	400,000
LIRA, Water Sup Fac . . . . .	\$	800,000
		-----
Subtotal Appropriation . . . . .	\$	1,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,200,000

**NEW SECTION. Sec. 19. FOR THE STATE PARKS AND RECREATION COMMISSION**

(1) State-wide: Water supply facilities (86-1-002)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	30,000
Prior Biennia (Expenditures) . . . . .	\$	1,035,000
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,065,000

(2) Sewer Facilities: To complete sewer projects including state-wide projects (86-1-003 and 88-1-008), Camp Wooten sewer system renovation (89-1-122), and Ocean City municipal sewer connection (88-1-010)

**Reappropriation:**

LIRA, Waste Fac 1980 . . . . .	\$	352,400
ORA-Federal . . . . .	\$	20,007
ORA-State . . . . .	\$	22,000
St Bldg Constr Acct. . . . .	\$	145,000
		-----
Subtotal Reappropriation . . . . .	\$	539,407
Prior Biennia (Expenditures) . . . . .	\$	756,764
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,296,171

(3) State-wide boating projects: To complete boating projects, including boating improvements (86-3-005), boating pumpout facilities (88-1-009), boating traffic control (88-1-013), boating facilities (88-2-011 and 88-2-012), and boating and marine construction (89-2-106)

**Reappropriation:**

ORA-Federal . . . . .	\$	36,700
ORA-State . . . . .	\$	727,500
St Bldg Constr Acct. . . . .	\$	402,000
		-----
Subtotal Reappropriation . . . . .	\$	1,166,200
Prior Biennia (Expenditures) . . . . .	\$	886,074
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	2,052,274
(4)	State-wide: Landscape repairs (86-1-026)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>10,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	70,689
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	80,689
(5)	West Hylebos: Acquisition and development (86-4-013)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>190,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	5,498
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	195,498
(6)	Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovate mountain lake dam (89-1-110)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>180,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	161,265
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	341,265
(7)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>279,000</b>
	<b>ORA-Federal . . . . .</b>	\$	<b>170,000</b>
	<b>ORA-State . . . . .</b>	\$	<b>158,000</b>
	Subtotal Reappropriation. . . . .	\$	607,000
	Prior Biennia (Expenditures) . . . . .	\$	622,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,229,000
(8)	Auburn game farm: Development (87-3-012)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>235,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	271,085
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	526,085

(9)	Green river gorge: Phased acquisition (87-5-010)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	140,000
	Prior Biennia (Expenditures) . . . . .	\$	123,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	263,000
(10)	Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	150,000
	Improv-Water Supply. . . . .	\$	100,000
	Subtotal Reappropriation. . . . .	\$	250,000
	Prior Biennia (Expenditures) . . . . .	\$	672,305
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	922,305
(11)	Saint Edward: Light entrance trail and comfort station (88-1-041)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	210,000
	Prior Biennia (Expenditures) . . . . .	\$	12,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	222,000
(12)	State-wide: Park facility renovation (88-2-025)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	226,146
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	256,146
(13)	Camp Wooten: Comfort station (88-2-041)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	50,000
	Prior Biennia (Expenditures) . . . . .	\$	107,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	157,000
(14)	Camano Island: Point Lowell road relocation (88-3-043)		
	<b>Reappropriation:</b>		
	Motor Vehicle Acct . . . . .	\$	280,000
	St Bldg Constr Acct. . . . .	\$	100,000

Subtotal Reappropriation. . . . \$	380,000
Prior Biennia (Expenditures) . . . . . \$	141,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	521,000

## (15) Maryhill: Development (88-5-035)

Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	930,000
Prior Biennia (Expenditures) . . . . . \$	146,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	1,076,000

## (16) Fort Worden: Thirty-unit campground and conference center (88-5-056)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	10,000
Prior Biennia (Expenditures) . . . . . \$	370,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	380,000

## (17) Ocean beaches: Acquisition of ocean beaches (88-5-036)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	430,000
Prior Biennia (Expenditures) . . . . . \$	24,503
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	454,503

## (18) Crystal Falls: Acquisition and development (88-5-057)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	25,000
Prior Biennia (Expenditures) . . . . . \$	3,799
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	28,799

## (19) Blake Island: Fire protection system (89-1-050)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	108,000
Prior Biennia (Expenditures) . . . . . \$	10,000
Future Biennia (Projected Costs) . . . \$	0

	TOTAL . . . . .	\$	118,000
(20)	State-wide: Water supply and irrigation (89-1-101)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	85,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	275,000
(21)	State-wide: Sanitary facilities (89-1-102)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	150,000
	Prior Biennia (Expenditures) . . . . .	\$	2,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	152,000
(22)	Electrical code compliance: To complete electrical code compliance projects (89-1-103)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	140,000
	<b>ORA-State</b> . . . . .	\$	45,000
	Subtotal Reappropriation. . . . .	\$	185,000
	Prior Biennia (Expenditures) . . . . .	\$	109,700
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	394,700
(23)	State-wide: Compliance with safe drinking water act (89-1-116)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	280,000
	Prior Biennia (Expenditures) . . . . .	\$	161,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	441,000
(24)	Sacajawea: Modify river floats (89-1-129)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	190,000
	Prior Biennia (Expenditures) . . . . .	\$	2,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	192,000
(25)	General construction: To complete state-wide general construction projects (89-2-107 and 89-2-109)		

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	595,000
Prior Biennia (Expenditures) . . . . . \$	179,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	774,000

(26) Westhaven: Comfort station replacement (89-2-119)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	400,000
Prior Biennia (Expenditures) . . . . . \$	23,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	423,000

(27) Lake Sammamish: Boat launch repairs (89-2-139)	
<b>Reappropriation:</b>	
ORA-State . . . . . \$	100,000
Prior Biennia (Expenditures) . . . . . \$	14,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	114,000

(28) State-wide: Site and environmental protection (89-3-104)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	280,000
Prior Biennia (Expenditures) . . . . . \$	20,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	300,000

(29) State-wide: Weatherproofing (89-3-108)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	85,000
Prior Biennia (Expenditures) . . . . . \$	82,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	167,000

(30) Fort Worden: Rebuild boat launch breakwater (89-3-135)	
<b>Reappropriation:</b>	
ORA-State . . . . . \$	300,000
Prior Biennia (Expenditures) . . . . . \$	15,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	315,000

(31) Larrabee: Development (89-5-002)



**Reappropriation:**

St Bldg Constr Acct. . . . . \$	320,000
ORA-Federal . . . . . \$	140,540
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Subtotal Reappropriation. . . . \$	460,540
Prior Biennia (Expenditures) . . . . . \$	20,350
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	480,890

(32) Acquisition projects: To complete acquisition projects, including state-wide acquisition (89-3-105), Spokane Centennial Trail acquisition and initial development (89-5-112), Fort Casey-- Keystone spit acquisition, phase 2 (89-5-113), and Belfair acquisition, phase 2 (89-5-114)

**Reappropriation:**

General Fund-Federal. . . . . \$	3,500,000
St Bldg Constr Acct. . . . . \$	172,000
ORA-Federal . . . . . \$	249,000
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Subtotal Reappropriation. . . . \$	3,921,000
Prior Biennia (Expenditures) . . . . . \$	4,372,000
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	8,283,000

(33) Fort Canby: Initial development, Beard's Hollow (89-5-115)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	275,000
Prior Biennia (Expenditures) . . . . . \$	14,000
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	289,000

(34) Ocean beaches access: Comfort station and parking areas (89-5-120)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	300,000
ORA-Federal . . . . . \$	316,000
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Subtotal Reappropriation. . . . \$	616,000
Prior Biennia (Expenditures) . . . . . \$	42,000
Future Biennia (Projected Costs) . . . . \$	0
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TOTAL . . . . . \$	658,000

(35) Spokane Centennial Trail: Initial development, the islands (89-5-166)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	233,000
Prior Biennia (Expenditures) . . . . . \$	17,000
Future Biennia (Projected Costs) . . . . \$	0

TOTAL . . . . . \$ .	250,000
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- (36) Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	765,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	765,000

- (37) Snohomish county: Snohomish Centennial Trail (89-5-170)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	852,000
Prior Biennia (Expenditures) . . . . . \$	248,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	1,100,000

- (38) Dougs Beach: Initial development, windsurfing access (90-1-171)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	120,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
TOTAL . . . . . \$	120,000

- (39) State-wide: Omnibus facility contingency (90-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	239,400
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,232,000
TOTAL . . . . . \$	1,471,400

- (40) State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,900,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	6,000,000
TOTAL . . . . . \$	7,900,000

- (41) State-wide: Emergency and unforeseen needs (91-1-001)

	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$ 350,000</b>
	Prior Biennia (Expenditures) . . . . .	0
	Future Biennia (Projected Costs) . . .	700,000
	<b>TOTAL . . . . .</b>	<b>1,050,000</b>
(42)	Iron Horse: John Wayne Trail, tunnel (91-1-005)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>185,000</b>
	Prior Biennia (Expenditures) . . . . .	11,000
	Future Biennia (Projected Costs) . . .	0
	<b>TOTAL . . . . .</b>	<b>196,000</b>
(43)	Colville Tribes Interpretive Center (90-5-172)	
	<b>Reappropriation:</b>	
	<b>State General Fund . . . . .</b>	<b>25,000</b>
	Prior Biennia (Expenditures) . . . . .	0
	Future Biennia (Projected Costs) . . .	0
	<b>TOTAL . . . . .</b>	<b>25,000</b>
(44)	Iron Horse: Acquisition and trail safety (91-1-006)	
	<b>Reappropriation:</b>	
	<b>Trust Land Purchase Acct . . .</b>	<b>18,000</b>
	Prior Biennia (Expenditures) . . . . .	182,000
	Future Biennia (Projected Costs) . . .	0
	<b>TOTAL . . . . .</b>	<b>200,000</b>
(45)	State-wide: Omnibus minor projects, utilities (91-2-004) and general construction (91-2-005)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>3,736,300</b>
	Prior Biennia (Expenditures) . . . . .	0
	Future Biennia (Projected Costs) . . .	6,698,000
	<b>TOTAL . . . . .</b>	<b>10,434,300</b>
(46)	Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . .</b>	<b>968,500</b>
	Prior Biennia (Expenditures) . . . . .	0
	Future Biennia (Projected Costs) . . .	0
	<b>TOTAL . . . . .</b>	<b>968,500</b>

(47)	Triton Cove: Renovation (91-2-008)		
	<b>Appropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	582,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	582,000
(48)	State-wide: Omnibus minor works, boating and marine construction (91-2-009)		
	<b>Appropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	379,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
			-----
	<b>TOTAL</b> . . . . .	\$	2,379,000
(49)	Yakima: Acquisition, phased project (91-5-028)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	152,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	152,000
(50)	Haley property: Initial development (91-5-030)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	500,000
(51)	Rasar: Initial development (91-5-032)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	500,000
(52)	Colbert House: Acquisition of two lots, renovation and preservation (91-5-052)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	57,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	57,000

(53)	Lake Isabella: Acquisition, phase 2 (91-5-065)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	<b>335,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>335,000</b>
(54)	Ocean beaches: Ocean beach access development (91-5-069 and 91-5-076)		
	<b>Appropriation:</b>		
	<b>ORA-Federal</b> . . . . .	\$	<b>381,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>381,000</b>
(55)	Steamboat Rock: Random camp area, Jones Bay (95-2-182)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>143,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	8,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>151,000</b>
(56)	Iron Goat Trail: For the department to contract with a nonprofit organization to develop hiking trails on the abandoned Great Northern Railway crossing the Cascade mountains at Stevens Pass		
	The appropriation in this subsection shall be matched by \$180,000 of nonstate sources of in-kind donations and cash.		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>30,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>30,000</b>
(57)	Saltwater State Park: For flood control improvements to McSorley creek		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>497,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL</b> . . . . .	\$	<b>497,000</b>
(58)	Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>360,000</b>

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	700,000
	<b>TOTAL</b> . . . . . \$	<b>1,060,000</b>
(59)	St. Edward: New gutters and drops	
	<b>Appropriation:</b>	
	St Bldg Constr Acct . . . . . \$	26,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL</b> . . . . . \$	<b>26,000</b>
(60)	St. Edward: Gym renovation and parking expansion	
	<b>Appropriation:</b>	
	St Bldg Constr Acct . . . . . \$	665,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL</b> . . . . . \$	<b>665,000</b>
(61)	Lewis and Clark state park: For planning an equestrian center at the park	
	<b>Appropriation:</b>	
	St Bldg Constr Acct . . . . . \$	200,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL</b> . . . . . \$	<b>200,000</b>
(62)	Olmstead Park: The revenues generated from the lease of state lands at Olmstead Park shall be expended exclusively for the purposes of improvements to Olmstead Park."	

**NEW SECTION. Sec. 20. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

(1) Grants to public agencies (90-2-001)

**Reappropriation:**

St Bldg Constr Acct . . . . . \$	498,000
ORA-Federal . . . . . \$	637,000
ORA-State . . . . . \$	1,911,000
Firearms Range Acct . . . . . \$	405,000

Subtotal Reappropriation . . . \$ 3,451,000

Prior Biennia (Expenditures) . . . . . \$	6,254,000
Future Biennia (Projected Costs) . . . \$	0

**TOTAL** . . . . . \$ 9,705,000

(2) Wildlife conservation and recreation (90-5-002)

**Reappropriation:**

ORA-State . . . . . \$	22,000,000
Habitat Conservation Acct. . . . \$	21,830,000
	-----
Subtotal Reappropriation. . . . \$	43,830,000
Prior Biennia (Expenditures) . . . . . \$	9,170,000
Future Biennia (Projected Costs) . . . . \$	0
	-----
TOTAL . . . . . \$	53,000,000

(3) Grants to public agencies (92-2-001)

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

(a) \$10,400,000 of the state building and construction account appropriation in this subsection is provided solely for matching grants to local governments for projects contained in the governor's Washington wildlife and recreation submittal list from categories designated for local governments. The committee shall require a match of at least fifty percent.

(b) \$138,000 of the state outdoor recreation account may be used for additional program staff for administration.

**Appropriation:**

ORA-Federal . . . . . \$	2,000,000
ORA-State . . . . . \$	7,738,000
Firearms Range Acct. . . . . \$	222,000
St Bldg Constr Acct. . . . . \$	10,400,000
	-----
Subtotal Appropriation . . . . . \$	20,360,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . . \$	21,764,000
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TOTAL . . . . . \$	42,124,000

(4) Washington wildlife and recreation program

(a) One-half of the appropriation in this subsection shall be deposited into and is hereby appropriated from the habitat conservation account and one-half shall be deposited into and is hereby appropriated from the state outdoor recreation account, for the Washington wildlife and recreation program, as established under chapter 43.98A RCW.

(b) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(c) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

- (i) Hatten-Tracy rock acquisitions (project #925033)
- (ii) Yakima river canyon acquisition (project #925055)
- (iii) Okanogan sharp-tailed grouse habitat (project #925040)
- (iv) Southeast Washington critical habitat acquisition (project #925042)
- (v) Esquaztel coulee acquisition (project #935064)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	50,000,000
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Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	105,000,000
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TOTAL . . . . . \$	155,000,000

- (5) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,750,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,750,000

**NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

- (1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341). In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

**Appropriation:**

Pub Fac Constr Loan	
Rev Acct. . . . . \$	2,000,000
St Bldg Constr Acct. . . . . \$	6,000,000
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Subtotal Appropriation . . . . . \$	8,000,000
Prior Biennia (Expenditures) . . . . . \$	7,429,000
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	15,429,000

- (2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	3,700,000
Prior Biennia (Expenditures) . . . . . \$	1,900,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	5,600,000



(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	843,000
Prior Biennia (Expenditures) . . . . .	\$	3,157,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	2,950,000
Prior Biennia (Expenditures) . . . . .	\$	12,852,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	15,802,000

(5) Community economic revitalization board: For the unexpended balance of projects approved by the board during the 1989-91 biennium from the public facility construction loan revolving account, which was a nonappropriated fund at the time the projects were approved.

**Appropriation:**

Pub Fac Constr Loan		
Rev Acct. . . . .	\$	2,972,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,972,000

(6) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	4,600,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	4,600,000

## (7) Economic assessment study for timber-dependent ports

The appropriation in this subsection is provided solely for the department to contract for an economic assessment study of timber-dependent ports, limited to the ports of Grays Harbor, Port Angeles, and Longview. The study shall include the following: (a) A review and examination of the comparative advantage of each port's geographic and regional characteristics, and the characteristics of the three-port region, focusing on current and potential markets for exports and imports; (b) identification of specific diversification opportunities for the three-port region, including possibilities for expansion of nonlog export activities and opportunities; (c) identification of actions that each port can undertake to increase and develop business opportunities compatible with regional port resources and goals; (d) recommendations for long-term strategies for the three-port region focusing on market development, facilities development, and operations and financial requirements; (e) strategies to enhance cooperation in future development that would allow each of the three ports to diversify in areas that would complement each other, including an analysis of recent, present, or potential competition among the ports; and (f) joint marketing strategies and joint capital facilities planning.

**Appropriation:****Pub Fac Constr Loan**

Rev Acct. . . . .	\$	150,000
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Prior Biennia (Expenditures) . . . . .	\$	0
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Future Biennia (Projected Costs) . . . . .	\$	0
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TOTAL . . . . .	\$	150,000
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**NEW SECTION. Sec. 22. FOR THE STATE CONSERVATION COMMISSION**

## (1) Water quality account (90-2-001)

**Reappropriation:**

Water Quality Acct . . . . .	\$	430,000
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**Appropriation:**

Water Quality Acct . . . . .	\$	2,140,000
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Prior Biennia (Expenditures) . . . . .	\$	1,994,000
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Future Biennia (Projected Costs) . . . . .	\$	3,946,000
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TOTAL . . . . .	\$	8,510,000
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**NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF FISHERIES**

## (1) Habitat: Salmon enhancement program (77-5-005)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	15,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,235,000
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Prior Biennia (Expenditures) . . . . .	\$	906,000
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Future Biennia (Projected Costs) . . . . .	\$	2,400,000
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TOTAL . . . . .	\$	4,556,000
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## (2) Hood Canal Bridge: Public fishing access (79-2-011)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	30,000
Prior Biennia (Expenditures) . . . . . \$	22,000
Future Biennia (Projected Costs) . . . \$	0
	<hr/>
TOTAL . . . . . \$	52,000

(3) Safety, health, and code compliance (86-1-020)

\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	300,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	1,589,000
Prior Biennia (Expenditures) . . . . . \$	559,000
Future Biennia (Projected Costs) . . . \$	1,800,000
	<hr/>
TOTAL . . . . . \$	4,248,000

(4) Towhead Island public access renovation (86-3-028)

**Reappropriation:**

ORA-Federal . . . . . \$	20,000
ORA-State . . . . . \$	170,000
	<hr/>
Subtotal Reappropriation. . . . \$	190,000
Prior Biennia (Expenditures) . . . . . \$	21,000
Future Biennia (Projected Costs) . . . \$	0
	<hr/>
TOTAL . . . . . \$	211,000

(5) Knappton boat launch (86-3-038)

**Reappropriation:**

ORA-Federal . . . . . \$	43,000
Prior Biennia (Expenditures) . . . . . \$	11,000
Future Biennia (Projected Costs) . . . \$	0
	<hr/>
TOTAL . . . . . \$	54,000

(6) McAllister: Improvements (88-2-003)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	50,000
Prior Biennia (Expenditures) . . . . . \$	126,999
Future Biennia (Projected Costs) . . . \$	0
	<hr/>
TOTAL . . . . . \$	176,999

(7) Clam and oyster beach (88-5-002)

	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	1,123,156
	Future Biennia (Projected Costs) . . .	\$	1,200,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,323,156</b>
(8)	Fish protection facilities (88-5-012)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	30,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	445,000
	Prior Biennia (Expenditures) . . . . .	\$	221,100
	Future Biennia (Projected Costs) . . .	\$	600,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,296,100</b>
(9)	Coast and Puget Sound salmon enhancement (88-5-016)		
	<b>Reappropriation:</b>		
	Salmon Enhancement Acct . . .	\$	608,320
	St Bldg Constr Acct. . . . .	\$	2,500,000
	Subtotal Reappropriation. . . . .	\$	3,108,320
	Prior Biennia (Expenditures) . . . . .	\$	1,353,517
	Future Biennia (Projected Costs) . . .	\$	3,750,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>8,211,837</b>
(10)	Shorefishing access (88-5-018)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	550,000
	Prior Biennia (Expenditures) . . . . .	\$	521,946
	Future Biennia (Projected Costs) . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,071,946</b>
(11)	South Sound net pen support (90-2-007)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	175,000
	Prior Biennia (Expenditures) . . . . .	\$	168,000
	Future Biennia (Projected Costs) . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>343,000</b>
(12)	Humptulips: Upgrade intake dam (90-2-010)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	30,000
	Prior Biennia (Expenditures) . . . . .	\$	183,100

Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>213,100</b>

- (13) Minor works projects: To complete minor works projects, including salmon culture minor works (90-2-011), field services minor works (90-2-015), and salmon culture minor capital projects (90-2-017)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	340,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	1,467,300
Prior Biennia (Expenditures) . . . . . \$	1,218,700
Future Biennia (Projected Costs) . . . \$	2,950,000
<b>TOTAL . . . . . \$</b>	<b>5,976,000</b>

- (14) George Adams: Water supply (90-2-019)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	175,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>175,000</b>

- (15) Ilwaco boat access expansion (90-2-023)

<b>Reappropriation:</b>	
ORA-State . . . . . \$	300,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>300,000</b>

- (16) Bonneville pool boat access (90-2-028)

<b>Reappropriation:</b>	
ORA-State . . . . . \$	100,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>100,000</b>

- (17) Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.

<b>Reappropriation:</b>	
ORA-Federal . . . . . \$	30,000
ORA-State . . . . . \$	270,000
<b>Subtotal Reappropriation. . . . \$</b>	<b>300,000</b>

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>300,000</b>
(18)	Habitat management shop building (90-2-012)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>200,000</b>
	Prior Biennia (Expenditures) . . . . . \$	235,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>435,000</b>
(19)	Shellfish surveys and Point Whitney repairs (90-3-013)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>100,000</b>
	Prior Biennia (Expenditures) . . . . . \$	175,000
	Future Biennia (Projected Costs) . . . \$	250,000
	<b>TOTAL . . . . . \$</b>	<b>525,000</b>
(20)	Property acquisition: To complete acquisition projects, including property acquisition project (90-3-009) and Strait of Juan de Fuca shoreline acquisition (90-5-025)	
	<b>Reappropriation:</b>	
	<b>ORA-State . . . . . \$</b>	<b>350,000</b>
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>80,000</b>
	Subtotal Reappropriation. . . . . \$	430,000
	Prior Biennia (Expenditures) . . . . . \$	400,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>830,000</b>
(21)	Kingston boat launch (90-5-027)	
	<b>Reappropriation:</b>	
	<b>ORA-State . . . . . \$</b>	<b>100,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>100,000</b>
(22)	Fuel tanks: Code compliance program (92-1-002)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>225,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	600,000
	<b>TOTAL . . . . . \$</b>	<b>825,000</b>

(23)	Repair and replace fishing reef buoys (92-1-003)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . . \$		<b>75,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		100,000
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>175,000</b>
(24)	Develop pathogen-free water and isolation incubation systems (92-2-005)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . . \$		<b>500,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		0
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>500,000</b>
(25)	Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . . \$		<b>3,300,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		800,000
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>4,100,000</b>
(26)	Willapa interpretive center (92-2-020)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . . \$		<b>300,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		0
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>300,000</b>
(27)	Construct and remodel coastal field station (92-3-009)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . . \$		<b>750,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		0
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>750,000</b>
(28)	Water access and development (92-3-030)		
	<b>Appropriation:</b>		
	<b>ORA-State</b> . . . . . \$		<b>1,250,000</b>
	Prior Biennia (Expenditures) . . . . . \$		0
	Future Biennia (Projected Costs) . . . \$		0
			<hr/>
	<b>TOTAL</b> . . . . . \$		<b>1,250,000</b>

(29) Toutle river hatchery: For an engineering study to determine the cost and feasibility of reconstructing the hatchery

**Appropriation:**

St Bldg Constr Acct. . . . . \$	75,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>75,000</b>

**NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF WILDLIFE**

(1) Satsop river acquisition and development (86-2-029)

**Reappropriation:**

ORA-State . . . . . \$	55,254
Prior Biennia (Expenditures) . . . . . \$	17,796
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>73,050</b>

(2) Mineral Lake: Site improvements (86-3-028)

**Reappropriation:**

ORA-State . . . . . \$	4,397
Prior Biennia (Expenditures) . . . . . \$	35,949
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>40,346</b>

(3) Aberdeen fish hatchery expansion (89-5-017)

**Reappropriation:**

Game Spec Wildlife Acct . . . . . \$	8,699
Prior Biennia (Expenditures) . . . . . \$	731,301
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>740,000</b>

(4) Health, safety, and code compliance (90-1-001)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	262,484
Prior Biennia (Expenditures) . . . . . \$	337,516
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>600,000</b>

(5) Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)

**Reappropriation:**

Wildlife Account-Federal. . . . . \$	40,000
Wildlife Account-State . . . . . \$	32,000



	Subtotal Reappropriation. . . . \$	72,000
	Prior Biennia (Expenditures) . . . . . \$	1,103,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,174,990
<hr/>		
(6)	Hatchery renovation and improvement (90-2-004)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>335,000</b>
	<b>Wildlife Account-Federal. . . . . \$</b>	<b>200,000</b>
	<b>Wildlife Account-State . . . . . \$</b>	<b>150,000</b>
	Subtotal Reappropriation. . . . \$	685,000
	Prior Biennia (Expenditures) . . . . . \$	2,565,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	3,250,000
<hr/>		
(7)	Public fishing access: To complete public fishing access projects, including redevelopment of public fishing access sites (90-2-007) and development of public fishing access sites (90-2-008)	
	<b>Reappropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>288,000</b>
	<b>ORA-State . . . . . \$</b>	<b>936,000</b>
	Subtotal Reappropriation. . . . \$	1,224,000
	Prior Biennia (Expenditures) . . . . . \$	332,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,556,000
<hr/>		
(8)	Wildlife area repair and development (90-2-016)	
	<b>Reappropriation:</b>	
	<b>Wildlife Account-Federal. . . . . \$</b>	<b>45,000</b>
	<b>Wildlife Account-State . . . . . \$</b>	<b>65,000</b>
	Subtotal Reappropriation. . . . \$	110,000
	Prior Biennia (Expenditures) . . . . . \$	200,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	310,000
<hr/>		
(9)	Office repairs: To complete office repairs projects, including office repairs and improvements (90-2-020) and regional offices facility relocation (90-2-021)	

There shall be no expenditure of moneys from the reappropriation in this subsection for the expansion, renovation, or remodeling of facilities in Olympia, except for remodeling the Olympia warehouse.

**Reappropriation:**

	<b>Wildlife Account-State . . . . .</b>	<b>\$</b>	<b>1,905,717</b>
	Prior Biennia (Expenditures) . . . . .	\$	284,283
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,190,000</b>
(10)	State-wide fencing repair and replacement (90-3-015)		
	<b>Reappropriation:</b>		
	<b>Wildlife Account-State . . . . .</b>	<b>\$</b>	<b>141,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	627,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>768,000</b>
(11)	Migratory waterfowl habitat acquisition (90-5-005)		
	<b>Reappropriation:</b>		
	<b>Wildlife Account-State . . . . .</b>	<b>\$</b>	<b>200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	150,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>350,000</b>
(12)	Acquisition of critical water access (90-5-009)		
	<b>Reappropriation:</b>		
	<b>ORA-State . . . . .</b>	<b>\$</b>	<b>17,619</b>
	<b>Wildlife Account-Federal. . . . .</b>	<b>\$</b>	<b>100,000</b>
	<b>Subtotal Reappropriation. . . . .</b>	<b>\$</b>	<b>117,619</b>
	Prior Biennia (Expenditures) . . . . .	\$	2,631
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>120,250</b>
(13)	Puyallup tribal settlement (90-5-100)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>794,500</b>
	Prior Biennia (Expenditures) . . . . .	\$	5,500
	Future Biennia (Projected Costs) . . . . .	\$	0
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>800,000</b>
(14)	Health, safety, and code compliance (92-1-001)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>500,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,200,000
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,700,000</b>

(15)	Public fishing access minor works repair (92-1-004)		
	<b>Appropriation:</b>		
	<b>Wildlife Account-Federal. . . . .</b>	<b>\$</b>	<b>300,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	650,000
			<hr/>
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>950,000</b>
(16)	Public access toilet replacement (92-1-005)		
	<b>Appropriation:</b>		
	<b>Wildlife Account-Federal. . . . .</b>	<b>\$</b>	<b>200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	600,000
			<hr/>
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>800,000</b>
(17)	Repair projects: Wildlife area repair and development projects (92-2-007 and 92-2-023), emergency repair and facility small repair and replacement (92-2-002 and 92-2-003)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>150,000</b>
	<b>Wildlife Account-Federal. . . . .</b>	<b>\$</b>	<b>50,000</b>
	<b>Wildlife Reimb Constr Acct. . . . .</b>	<b>\$</b>	<b>1,002,000</b>
			<hr/>
	Subtotal Appropriation . . . . .	\$	1,202,000
	Prior Biennia (Expenditures) . . . . .	\$	250,000
	Future Biennia (Projected Costs) . . . . .	\$	2,241,000
			<hr/>
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,693,000</b>
(18)	Hatcheries: Hatchery renovation and improvement (92-2-009 and 92-2-025)		
	\$900,000 of these appropriations shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	<b>\$</b>	<b>1,045,600</b>
	<b>Wildlife Account-Federal. . . . .</b>	<b>\$</b>	<b>1,000,000</b>
	<b>Wildlife Reimb Constr Acct. . . . .</b>	<b>\$</b>	<b>1,258,400</b>
			<hr/>
	Subtotal Appropriation . . . . .	\$	3,304,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	11,740,000
			<hr/>
	<b>TOTAL . . . . .</b>	<b>\$</b>	<b>15,044,000</b>
(19)	Mitigation and dedicated funding projects (92-2-011)		
	<b>Appropriation:</b>		

	<b>Wildlife Account-Federal . . . . \$</b>	<b>3,100,000</b>
	<b>Wildlife Account-Private/Local . \$</b>	<b>4,850,000</b>
	<b>Game Spec Wildlife Acct . . . . \$</b>	<b>50,000</b>
		<hr/>
	Subtotal Appropriation . . . . \$	8,000,000
	Prior Biennia (Expenditures) . . . . \$	769,000
	Future Biennia (Projected Costs) . . \$	16,000,000
		<hr/>
	<b>TOTAL . . . . . \$</b>	<b>24,769,000</b>
(20)	Acquisition, development, and redevelopment (92-2-015)	
	<b>Appropriation:</b>	
	<b>ORA-State . . . . . \$</b>	<b>694,000</b>
	Prior Biennia (Expenditures) . . . . \$	0
	Future Biennia (Projected Costs) . . \$	1,750,000
		<hr/>
	<b>TOTAL . . . . . \$</b>	<b>2,444,000</b>
(21)	State-wide fencing repair and replacement (92-3-006)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>75,000</b>
	<b>Wildlife Account-State . . . . . \$</b>	<b>425,000</b>
		<hr/>
	Subtotal Appropriation . . . . \$	500,000
	Prior Biennia (Expenditures) . . . . \$	0
	Future Biennia (Projected Costs) . . \$	1,000,000
		<hr/>
	<b>TOTAL . . . . . \$</b>	<b>1,500,000</b>
(22)	Skagit wildlife area dike repair (92-3-008)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>26,250</b>
	<b>Wildlife Reimb Constr Acct. . . \$</b>	<b>145,000</b>
		<hr/>
	Subtotal Appropriation . . . . \$	171,250
	Prior Biennia (Expenditures) . . . . \$	0
	Future Biennia (Projected Costs) . . \$	0
		<hr/>
	<b>TOTAL . . . . . \$</b>	<b>171,250</b>
(23)	Migratory waterfowl habitat: Acquisition project (92-5-012) and habitat development (92-5-013)	
	<b>Appropriation:</b>	
	<b>Wildlife Account-State . . . . . \$</b>	<b>700,000</b>
	Prior Biennia (Expenditures) . . . . \$	450,000
	Future Biennia (Projected Costs) . . \$	1,400,000
		<hr/>
	<b>TOTAL . . . . . \$</b>	<b>2,550,000</b>

(24) Acquisition of wildlife habitat surplus property (92-5-014)

\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.

<b>Appropriation:</b>	
Wildlife Account-State . . . . . \$	1,000,000
Prior Biennia (Expenditures) . . . . . \$	600,000
Future Biennia (Projected Costs) . . . \$	2,000,000
	-----
TOTAL . . . . . \$	3,600,000

(25) Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	450,000
Prior Biennia (Expenditures) . . . . . \$	294,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	744,000

(26) Habitat enhancement fund (92-5-022)

<b>Appropriation:</b>	
Wildlife Account-Private/Local . \$	500,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,000,000
	-----
TOTAL . . . . . \$	1,500,000

(27) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	4,684,166
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,684,166

**NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF NATURAL RESOURCES**

(1) Aquatic land enhancement (86-3-020)

<b>Reappropriation:</b>	
Aquatic Lands Acct. . . . . \$	3,924,000
Prior Biennia (Expenditures) . . . . . \$	301,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,225,000

(2) Natural area preserves--Property purchases (88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.

<b>Reappropriation:</b>	
Conservation Area Acct . . . . . \$	280,000
Prior Biennia (Expenditures) . . . . . \$	5,191,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	5,471,000

(3) Woodard Bay natural resource conservation area fencing development (90-3-103)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	170,000
Prior Biennia (Expenditures) . . . . . \$	100,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	270,000

(4) Dishman Hills protection development (90-3-104)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	70,000
Prior Biennia (Expenditures) . . . . . \$	50,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	120,000

(5) Natural area preserves management (90-3-105)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	55,000
Prior Biennia (Expenditures) . . . . . \$	95,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	150,000

(6) Construct and improve recreation sites (90-5-201)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	170,000
Prior Biennia (Expenditures) . . . . . \$	320,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	490,000

(7)	Seattle waterfront, phase 1 development (90-5-202)		
	<b>Reappropriation:</b>		
	<b>ORA-State</b> . . . . .	\$	<b>749,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	1,000
	Future Biennia (Projected Costs) . . . . .	\$	750,000
			-----
	<b>TOTAL</b> . . . . .	\$	<b>1,500,000</b>
(8)	Woodard Bay health and safety development (90-5-203)		
	<b>Reappropriation:</b>		
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>70,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>270,000</b>
(9)	Long Lake, phase 2 development (90-5-204)		
	<b>Reappropriation:</b>		
	<b>ORV Acct</b> . . . . .	\$	<b>140,000</b>
	<b>ORA-State</b> . . . . .	\$	<b>140,000</b>
			-----
	Subtotal Reappropriation. . . . .	\$	280,000
	Prior Biennia (Expenditures) . . . . .	\$	185,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	<b>TOTAL</b> . . . . .	\$	<b>465,000</b>
(10)	Underground storage tanks (92-1-103)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct</b> . . . . .	\$	<b>147,000</b>
	<b>Res Mgmt Cost Acct</b> . . . . .	\$	<b>472,000</b>
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>181,000</b>
			-----
	Subtotal Appropriation . . . . .	\$	800,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,960,000
			-----
	<b>TOTAL</b> . . . . .	\$	<b>2,760,000</b>
(11)	State-wide emergency repairs (92-1-104)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct</b> . . . . .	\$	<b>14,300</b>
	<b>Res Mgmt Cost Acct</b> . . . . .	\$	<b>53,700</b>
	<b>St Bldg Constr Acct.</b> . . . . .	\$	<b>32,000</b>
			-----
	Subtotal Appropriation . . . . .	\$	100,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	200,000
			-----

	TOTAL . . . . .	\$	300,000
(12)	Environmental protection (92-1-105)		
	<b>Appropriation:</b>		
	Forest Development Acct . . . . .	\$	113,200
	Res Mgmt Cost Acct . . . . .	\$	232,800
	St Bldg Constr Acct. . . . .	\$	154,000
			-----
	Subtotal Appropriation . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	607,700
			-----
	TOTAL . . . . .	\$	1,107,700
(13)	Office expansion: To complete office expansion projects, including design and construction for expanding the southwest region office (92-1-106), and design and construction for expanding the northwest region office (92-1-102)		
	<b>Appropriation:</b>		
	Forest Development Acct . . . . .	\$	479,300
	Res Mgmt Cost Acct . . . . .	\$	599,800
	St Bldg Constr Acct. . . . .	\$	471,000
			-----
	Subtotal Appropriation . . . . .	\$	1,550,100
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	1,548,100
(14)	Minor works: Building and compound (92-1-107)		
	<b>Appropriation:</b>		
	Forest Development Acct . . . . .	\$	111,700
	Res Mgmt Cost Acct . . . . .	\$	215,200
	St Bldg Constr Acct. . . . .	\$	158,500
			-----
	Subtotal Appropriation . . . . .	\$	485,400
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,333,400
			-----
	TOTAL . . . . .	\$	2,818,800
(15)	Facilities: Small repairs and improvements (92-1-108)		
	<b>Appropriation:</b>		
	Forest Development Acct . . . . .	\$	21,800
	Res Mgmt Cost Acct . . . . .	\$	53,300
	St Bldg Constr Acct. . . . .	\$	25,000
			-----
	Subtotal Appropriation . . . . .	\$	100,100
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	194,000
			-----



	TOTAL . . . . .	\$	294,100
(16)	Emergency repairs recreation sites (92-1-206)		
	<b>Appropriation:</b>		
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>100,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	200,000
	TOTAL . . . . .	\$	300,000
(17)	Environmental clean-up: Trust and forest board lands (92-1-404)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct . . . . .</b>	\$	<b>150,000</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>350,000</b>
	Subtotal Appropriation . . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,000,000
	TOTAL . . . . .	\$	1,500,000
(18)	Right of way acquisitions (92-2-401)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct . . . . .</b>	\$	<b>200,000</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>590,000</b>
	Subtotal Appropriation . . . . .	\$	790,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,035,000
	TOTAL . . . . .	\$	1,825,000
(19)	Regional seedling cold storage (92-2-406)		
	<b>Appropriation:</b>		
	<b>Forest Development Acct . . . . .</b>	\$	<b>165,000</b>
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>202,000</b>
	Subtotal Appropriation . . . . .	\$	367,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	367,000
	TOTAL . . . . .	\$	734,000
(20)	Real estate property, small repairs and improvements (92-2-407)		
	<b>Appropriation:</b>		
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>390,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	780,000

	TOTAL . . . . .	\$	1,170,000
(21)	Communication site repair and replacement (92-2-408)		
	<b>Appropriation:</b>		
	Forest Development Acct . . . . .	\$	66,000
	Res Mgmt Cost Acct . . . . .	\$	264,000
			-----
	Subtotal Appropriation . . . . .	\$	330,000
	Prior Biennia (Expenditures) . . . . .	\$	150,000
	Future Biennia (Projected Costs) . . . . .	\$	600,000
			-----
	TOTAL . . . . .	\$	1,080,000
(22)	Irrigation pipeline replacement (92-2-409)		
	<b>Appropriation:</b>		
	Res Mgmt Cost Acct . . . . .	\$	595,000
	Prior Biennia (Expenditures) . . . . .	\$	532,000
	Future Biennia (Projected Costs) . . . . .	\$	600,000
			-----
	TOTAL . . . . .	\$	1,727,000
(23)	Roads and bridges (92-2-801)		
	<b>Appropriation:</b>		
	ORV Acct . . . . .	\$	74,000
	Forest Development Acct . . . . .	\$	90,000
	Res Mgmt Cost Acct . . . . .	\$	200,000
			-----
	Subtotal Appropriation . . . . .	\$	364,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	4,236,000
			-----
	TOTAL . . . . .	\$	4,600,000
(24)	Natural area preserves protection (92-3-202)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	119,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	300,000
			-----
	TOTAL . . . . .	\$	419,000
(25)	Commercial development, local improvement district (92-3-402)		
	<b>Appropriation:</b>		
	Res Mgmt Cost Acct . . . . .	\$	910,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,820,000
			-----
	TOTAL . . . . .	\$	2,730,000

(26)	Emergency repairs: Irrigation (92-3-405)		
	<b>Appropriation:</b>		
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>200,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	400,000
	<b>TOTAL . . . . .</b>	\$	<b>600,000</b>
(27)	Aquatic land enhancement grants (92-3-501)		
	<b>Appropriation:</b>		
	<b>Aquatic Lands Acct. . . . .</b>	\$	<b>3,020,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	6,040,000
	<b>TOTAL . . . . .</b>	\$	<b>9,060,000</b>
(28)	Land bank (92-4-403)		
	<b>Appropriation:</b>		
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>18,000,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	12,000,000
	Future Biennia (Projected Costs) . . . . .	\$	36,000,000
	<b>TOTAL . . . . .</b>	\$	<b>66,000,000</b>
(29)	Irrigation development (92-2-410)		
	<b>Appropriation:</b>		
	<b>Res Mgmt Cost Acct . . . . .</b>	\$	<b>609,000</b>
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	2,167,000
	<b>TOTAL . . . . .</b>	\$	<b>3,776,000</b>
(30)	Construct and improve recreation sites (92-5-201)		
	<b>Appropriation:</b>		
	<b>ORV Acct . . . . .</b>	\$	<b>325,000</b>
	<b>St Bldg Constr Acct. . . . .</b>	\$	<b>400,000</b>
	<b>ORA-State . . . . .</b>	\$	<b>450,000</b>
	Subtotal Appropriation . . . . .	\$	1,175,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,600,000
	<b>TOTAL . . . . .</b>	\$	<b>2,775,000</b>
(31)	Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport		

The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources. This appropriation does not imply any future state commitment to development, flood control or similar activities on the Cedar river.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	800,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	800,000

- (32) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across Interstate 90 from the Mount Si natural resources conservation area, that when connected with other publicly owned land will help create a continuous green belt or corridor and recreation area from Snoqualmie Pass to the Puget Sound

The appropriation in this subsection shall be matched by \$3,500,000 in cash, land or other consideration from other sources provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,000,000

- (33) Garfield county antenna tower

The department of natural resources shall lease property to the Garfield county sheriff's office at not more than \$160 per month, to enable the sheriff to operate an antenna tower on the property."

**NEW SECTION. Sec. 26. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES**

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

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the department of natural resources ("department") as appropriate for state park use and development. Except as specifically otherwise provided in this section, the commission shall acquire the following parcels:

- (a) Lord Hill, in Snohomish county, west of Monroe;
- (b) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (c) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
- (d) South Whidbey, in Island county, adjacent to South Whidbey State Park;
- (e) Wallace Falls Addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (f) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (g) Dugualia Bay property, in Island county, on the northeast shore of Whidbey Island;

(h) Rasar property, in Skagit county, west of Birdsvie, near the Skagit river;

(i) Wallace Falls Addition (Northwest) property, in Snohomish county, adjacent to the northwestern side of the designated park property;

(j) Wallace Falls Addition (Southwest) property, in Snohomish county, adjacent to the southwestern side of Wallace Falls State Park;

(k) Hoypus Hill in Island county south of Hoypus Point Natural Forest Area at Deception Pass State Park;

(l) Lake Easton in Easton in Kittitas county west of Lake Easton State park near the town of Easton;

(m) Diamond Point, in Clallam county, on the Strait of Juan de Fuca; and

(n) Skykomish river property, along Highway 2, near Index.

(2) The commission may expend moneys from this appropriation for acquisition of the Skykomish river property under subsection (1)(n) of this section only to the extent that moneys remain available after the commission has made all reasonable efforts to acquire the other properties identified in this subsection.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(5) The department shall attempt to maintain an aggregate ratio of approximately 85:15 timber-to-land value in these transactions. If the aggregate value of timber-to-land varies by more than plus or minus five percent of that ratio, individual land acquisitions may be dropped in order to maintain the approximate ratio.

(6) It is the intent of the legislature that, insofar as feasible, the full parcels identified in subsection (1) of this section be acquired for park purposes. However, to the extent authorized by the commission, the boundaries of the Diamond Point property under subsection (1)(m) of this section may vary from the property boundaries as described in the joint study conducted by the commission and the department under section 4, chapter 163, Laws of 1985.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	50,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	50,000,000

**NEW SECTION. Sec. 27. FOR THE STATE CONVENTION AND TRADE CENTER**

(1) Project reserves and contingencies (89-5-001)

**Reappropriation:**

State Convention and Trade Center Acct . . . . .	\$	1,430,734
Prior Biennia (Expenditures) . . . . .	\$	1,569,266
Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	3,000,000
(2)	Conversion of retail space to meeting rooms (89-5-002)		
	<b>Reappropriation:</b>		
	State Convention and		
	Trade Center Acct . . . . .	\$	3,500,000
	Prior Biennia (Expenditures) . . . . .	\$	1,697,364
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	5,197,364
(3)	Expansion of the 900 level (89-5-003)		
	<b>Reappropriation:</b>		
	State Convention and		
	Trade Center Acct . . . . .	\$	3,500,000
	Prior Biennia (Expenditures) . . . . .	\$	5,316,580
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	8,816,580
(4)	Eagles Building and exterior cleanup (89-5-005)		
	<b>Reappropriation:</b>		
	State Convention and		
	Trade Center Acct . . . . .	\$	287,000
	Prior Biennia (Expenditures) . . . . .	\$	13,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	300,000
(5)	Develop low-income housing (90-5-001)		
	<b>Reappropriation:</b>		
	State Convention and		
	Trade Center Acct . . . . .	\$	650,000
	Prior Biennia (Expenditures) . . . . .	\$	150,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	800,000

**"PART 4  
TRANSPORTATION"**

NEW SECTION.      Sec. 28.      FOR THE DEPARTMENT OF  
TRANSPORTATION

(1)	Acquisition of dredge spoils sites (83-1-001)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	200,000
	Prior Biennia (Expenditures) . . . . .	\$	3,277,162
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	3,477,162
(2)	Toutle river retention dam (87-1-001)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	500,000
	Prior Biennia (Expenditures) . . . . .	\$	10,722,118
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	11,222,118
(3)	Essential rail assistance (90-1-001)		
	The reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.		
	<b>Reappropriation:</b>		
	ESS Rail Assis Acct. . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	200,000
	Future Biennia (Projected Costs) . . . . .	\$	2,000,000
	TOTAL . . . . .	\$	3,200,000
(4)	Essential rail banking (90-1-002)		

(a) The reappropriation in this subsection is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW and shall not be used for operating expenses of rail systems, programs, or services.

(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.

(c) The appropriation in this subsection is provided solely to acquire the Stampede Pass rail line and right of way and is subject to the following conditions and limitations:

(i) The department of transportation is directed to negotiate an agreement with the city of Tacoma for the purchase by one or both parties of the rail line and right of way in anticipation of the carrier filing for abandonment. The department shall reimburse the state building construction account with moneys received under the agreement from the city of Tacoma and the reimbursed moneys shall lapse. The amount to be paid by the city of Tacoma under the agreement shall represent the value of that portion of the rail line and right of way lying within the city's Green river watershed, as determined by appraisal by the department.

(ii) The department shall not expend this appropriation unless the carrier has filed for abandonment or the department and the carrier have agreed on a purchase price prior to an abandonment filing.

(iii) If the filing of an abandonment application by the carrier precedes the execution of an agreement between the department and the city of Tacoma, the department is directed to purchase the rail line on behalf of the state's and city of Tacoma's interest.

(iv) It is the intent of the legislature that, when Interstate Commerce Commission regulations allow, the department shall sell an interest or fee title to the city of Tacoma for that portion of the rail line and right of way lying with the city's Green river watershed. The first \$2,100,000 of the proceeds from the sale shall be deposited in the state building construction account and any additional amount shall be deposited one-third in the essential rail banking account and two-thirds in the state motor vehicle fund. The agreement shall ensure that joint corridor use requirements of the state and the city are met including the protection of the Green river watershed.

(v) This appropriation is contingent upon an appropriation of an additional \$2,000,000 being provided in the omnibus transportation appropriations act, Reengrossed Substitute House Bill No. 1231 for the department of transportation to acquire the Stampede Pass rail line and/or right of way.

(vi) This appropriation shall not be used for operating expenses of rail systems, programs, or services.

**Reappropriation:**

ESS Rail Bank Acct. . . . . \$ 1,100,000

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,100,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 3,200,000

**NEW SECTION. Sec. 29. FOR THE WASHINGTON STATE PATROL**

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,017,000

Prior Biennia (Expenditures) . . . . . \$ 20,000

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 192,000

Prior Biennia (Expenditures) . . . . . \$ 4,500

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 196,500

- (3) Headquarters: Design a new headquarters facility in Olympia (90-2-040)

**Appropriation:**

WSP Highway Acct . . . . . \$ 3,400,000



Prior Biennia (Expenditures) . . . . . \$	250,000
Future Biennia (Projected Costs) . . . \$	45,323,000
	-----
TOTAL . . . . . \$	48,973,000

(4) Everett district headquarters--Crime laboratory (90-2-018)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	455,000
Prior Biennia (Expenditures) . . . . . \$	15,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	470,000

**"PART 5  
EDUCATION"**

**NEW SECTION. Sec. 30. FOR THE STATE BOARD OF EDUCATION**

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

<b>Reappropriation:</b>	
Common School Constr Fund . \$	500
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	500

(2) Public school building construction (83-3-001)

<b>Reappropriation:</b>	
Common School Constr Fund . \$	110,000
Prior Biennia (Expenditures) . . . . . \$	490,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	600,000

(3) Public school building construction (86-4-001)

<b>Reappropriation:</b>	
Common School Constr Fund . \$	1,100,000
Prior Biennia (Expenditures) . . . . . \$	1,400,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,500,000

(4) Public school building construction (86-4-008)

**Reappropriation:**

	<b>Common School Constr Fund . \$</b>	<b>70,000</b>
	Prior Biennia (Expenditures) . . . . . \$	75,298
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>145,298</b>
(5)	Public school building construction (88-2-001)	
	<b>Reappropriation:</b>	
	<b>Common School Constr Fund . \$</b>	<b>4,000,000</b>
	Prior Biennia (Expenditures) . . . . . \$	61,328,022
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>65,328,022</b>
(6)	Public school building construction (89-2-004)	
	<b>Reappropriation:</b>	
	<b>Common School Constr Fund . \$</b>	<b>80,000</b>
	Prior Biennia (Expenditures) . . . . . \$	2,920,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>3,000,000</b>
(7)	Public school building construction (90-2-001)	
	<b>Reappropriation:</b>	
	<b>Common School Constr Fund . \$</b>	<b>156,000,000</b>
	Prior Biennia (Expenditures) . . . . . \$	252,527,000
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>408,527,000</b>
(8)	Public school building construction (91-2-001)	

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

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$225,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and reviewing information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991. Of the funds available for obligation by the state board after state administration costs and after the costs incurred under (b) and (c) of this subsection, fifty-eight percent is provided solely for approved new construction projects to serve unhouseed students, four percent is provided solely for approved condemnation projects, and thirty-four percent is provided solely for approved modernization projects. The remaining funds shall be allocated at the discretion of the state board.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040, shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new priority system for allocating state assistance for school construction and modernization projects. The priority system shall include evaluation of projects according to objective criteria established by the state board and a process for review of data submitted by school districts. In developing the system and the criteria, the state board shall consider the following factors: Type of space requested; current space availability, age, and condition; cost benefit considerations of new construction as compared to modernization; impacts of maintenance on the condition of facilities; impacts of delay of receipt of state assistance; and short and long-range demographic projections.

(ii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The common school reimbursable construction account appropriation in this section serves as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education).

**Appropriation:**

Common School Constr Fund . . . . . \$	135,500,000
Common School Reimb	
Constr Acct. . . . . \$	120,000,000
	-----
Subtotal Appropriation . . . . . \$	255,500,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	350,000,000
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TOTAL . . . . . \$	605,500,000

(9) Public school building construction (91-2-001)

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

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall by September 1, 1991, adopt rules to replace the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall

as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

**Appropriation:**

Common School Constr Fund . . . . . \$	21,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . . . \$	0
	-----
TOTAL . . . . . \$	21,000,000

**NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

When the transfer of the vocational-technical institutes to the jurisdiction of the state board for community and technical colleges under chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education) takes effect, remaining balances in the appropriations in this section shall be transferred to the state board for community and technical colleges.

- (1) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	2,500,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . . . \$	0
	-----
TOTAL . . . . . \$	2,500,000

- (2) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,612,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . . . \$	0
	-----
TOTAL . . . . . \$	1,612,000

- (3) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	5,800,000
Prior Biennia (Expenditures) . . . . . \$	4,316,645
Future Biennia (Projected Costs) . . . . . \$	0
	-----
TOTAL . . . . . \$	10,116,645

(4) Renton Vocational Technical Institute: For a business technology building

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	3,985,000
Prior Biennia (Expenditures) . . . . . \$	443,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,428,000

**NEW SECTION. Sec. 32. FOR THE STATE SCHOOL FOR THE BLIND**

(1) Demolish Richardson Hall (92-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	255,149
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	255,149

(2) Demolish museum building (92-1-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	255,149
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	255,149

(3) Elevator in administration building (92-1-003)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	384,461
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	384,461

(4) Automatic door: Kennedy Building (92-1-007)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	36,020
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	36,020

(5) Reroof Ahlsten Cottage (92-2-004)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	209,488
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	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>209,488</b>
(6)	Irwin School electrical and communications upgrade (92-2-005)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>92,141</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>92,141</b>
(7)	Swimming pool renovation (92-2-006)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>162,990</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>162,990</b>
(8)	Reroof Kennedy Building (92-2-008)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>369,791</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>369,791</b>
	<b><u>NEW SECTION.</u> Sec. 33. FOR THE STATE SCHOOL FOR THE DEAF</b>	
(1)	Building reroof: Devine High School (92-2-001)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>581,119</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>581,119</b>
(2)	Building reroof: Northrup Elementary School (92-2-002)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>218,182</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>218,182</b>
(3)	Building reroof: Clark Hall (92-2-003)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>448,842</b>

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>448,842</b>
(4)	Building reroof: McDonald Hall (92-2-004)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>135,737</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>135,737</b>
(5)	Building reroof: Deer Hall (92-2-005)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>98,298</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>98,298</b>
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>71,624</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>71,624</b>
(7)	Devine High School air conditioner (92-2-007)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>26,834</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>26,834</b>
(8)	Heating system repairs (92-2-008)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>32,345</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>32,345</b>

**NEW SECTION. Sec. 34. FOR THE UNIVERSITY OF WASHINGTON**

(1) Safety: Fire code, PCB, and life safety (86-1-001)

**Reappropriation:**

	UW Bldg Acct . . . . . \$	6,890,000
	Prior Biennia (Expenditures) . . . . . \$	2,298,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	9,188,000
(2)	Safety: Asbestos removal (86-1-002)	
	Reappropriation:	
	UW Bldg Acct . . . . . \$	4,900,000
	Prior Biennia (Expenditures) . . . . . \$	600,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	5,500,000
(3)	Minor works: Building renewal (86-1-004)	
	Reappropriation:	
	UW Bldg Acct . . . . . \$	6,200,000
	Prior Biennia (Expenditures) . . . . . \$	5,983,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	12,183,000
(4)	Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)	
	Reappropriation:	
	St Bldg Constr Acct. . . . . \$	43,508,000
	UW Bldg Acct . . . . . \$	3,500,000
	Subtotal Reappropriation. . . . . \$	47,008,000
	Prior Biennia (Expenditures) . . . . . \$	7,856,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	54,864,000
(5)	Minor works: Program renewal (86-3-005)	
	The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.	
	Reappropriation:	
	UW Bldg Acct . . . . . \$	3,800,000
	Prior Biennia (Expenditures) . . . . . \$	9,540,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	13,340,000
(6)	Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)	



The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	360,000
UW Bldg Acct . . . . . \$	240,000

Subtotal Reappropriation. . . . \$	600,000
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**Appropriation:**

St Bldg Constr Acct. . . . . \$	19,872,000
Prior Biennia (Expenditures) . . . . . \$	468,495
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>20,340,495</b>

(7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

**Reappropriation:**

H Ed Constr Acct. . . . . \$	45,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>45,000,000</b>

(8) Emergency power generation (90-2-001)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	10,500,000
Prior Biennia (Expenditures) . . . . . \$	610,000
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>11,110,000</b>

(9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	4,000,000
<b>Appropriation:</b>	
H Ed Reimb Constr Acct . . . . . \$	64,786,000
Prior Biennia (Expenditures) . . . . . \$	3,778,000
Future Biennia (Projected Costs) . . . \$	0

TOTAL . . . . .	\$	72,564,000
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## (10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	37,200,000
Prior Biennia (Expenditures) . . . . .	\$	1,952,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	39,152,000

## (11) Electrical engineering and computer science building: To complete the design of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the appropriations in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	3,450,000
<b>Appropriation</b>		
St Bldg Constr Acct. . . . .	\$	1,147,000
Subtotal Appropriation . . . . .	\$	5,597,000

Prior Biennia (Expenditures) . . . . .	\$	661,000
Future Biennia (Projected Costs) . . . . .	\$	93,500,000
TOTAL . . . . .	\$	98,758,000

## (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	830,000
UW Bldg Acct . . . . .	\$	770,000
Subtotal Reappropriation . . . . .	\$	1,600,000

Prior Biennia (Expenditures) . . . . .	\$	7,539,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	9,139,000

## (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	10,640,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . \$	33,333,000
<b>TOTAL . . . . . \$</b>	<b>43,973,000</b>

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	3,525,000
UW Bldg Acct . . . . . \$	5,000,000
Subtotal Appropriation . . . . . \$	8,525,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	40,200,000
<b>TOTAL . . . . . \$</b>	<b>48,725,000</b>

- (15) Communications Building Renovation (88-2-014)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	2,015,000
UW Bldg Acct . . . . . \$	1,167,000
Subtotal Reappropriation. . . . . \$	3,182,000
Prior Biennia (Expenditures) . . . . . \$	3,555,000
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>6,737,000</b>

- (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	235,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	2,488,000
<b>TOTAL . . . . . \$</b>	<b>2,723,000</b>

- (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	3,314,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>3,314,000</b>

- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,543,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 37,800,000

TOTAL . . . . . \$ 40,343,000

- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,459,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 2,700,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 1,300,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 1,300,000

- (22) Other utility projects: To remove and decontaminate underground storage tanks and other repair projects (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 460,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 20,000,000

TOTAL . . . . . \$ 20,460,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 700,000  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 0  
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 TOTAL . . . . . \$ 700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 5,703,000  
 UW Bldg Acct . . . . . \$ 5,000,000  
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 Subtotal Appropriation . . . . . \$ 10,703,000  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 40,250,000  
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 TOTAL . . . . . \$ 50,953,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

**Appropriation:**

UW Bldg Acct . . . . . \$ 1,759,000  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 0  
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 TOTAL . . . . . \$ 1,759,000

- (26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

UW Bldg Acct . . . . . \$ 7,238,000  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 0  
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 TOTAL . . . . . \$ 7,238,000

- (27) Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	215,000
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**Appropriation:**

UW Bldg Acct . . . . . \$	1,670,000
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Prior Biennia (Expenditures) . . . . . \$	0
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Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	1,885,000
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- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

State Bldg Constr Acct. . . . . \$	1,850,000
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Prior Biennia (Expenditures) . . . . . \$	0
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Future Biennia (Projected Costs) . . . \$	91,528,000
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TOTAL . . . . . \$	93,378,000
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- (29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	5,675,000
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Prior Biennia (Expenditures) . . . . . \$	0
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Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	5,675,000
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- (30) Employee day care facility--Preplanning

The appropriation in this subsection is provided solely for the purpose of acquiring, preparing, and operating a site for meeting the needs identified in the November 1987 child-care study conducted for the higher education coordinating board. In acquiring a site, the University shall make every effort to locate the child-care facility within a two-mile radius of the main Seattle campus and shall give a high priority to the use of buildings owned, but not used by, the Seattle school district.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	150,000
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Prior Biennia (Expenditures) . . . . . \$	0
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Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . .	\$	150,000
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**NEW SECTION, Sec. 35. FOR WASHINGTON STATE UNIVERSITY**

(1) **Science Hall renewal, phase 2 (86-1-006)**

**Reappropriation:**

H Ed Constr Acct . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	10,804,000
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .		\$ 11,204,000

(2) **Minor capital improvements (90-1-001)**

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

WSU Bldg Acct . . . . .	\$	1,788,000
Prior Biennia (Expenditures) . . . . .	\$	3,212,000
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .		\$ 5,000,000

(3) **Minor capital renewal (90-1-002)**

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	1,950,000
Prior Biennia (Expenditures) . . . . .	\$	3,050,000
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .		\$ 5,000,000

(4) **Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)**

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

**Reappropriation:**

WSU Bldg Acct . . . . .	\$	2,700,000
Prior Biennia (Expenditures) . . . . .	\$	55,000
Future Biennia (Projected Costs) . . .	\$	0

	TOTAL . . . . .	\$	2,755,000
(5)	Land acquisition (Branch Campus) (90-5-002)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	250,000
	Prior Biennia (Expenditures) . . . . .	\$	1,095,333
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,345,333

(6)	Tri-Cities University Center (90-5-901)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	2,850,000
	Prior Biennia (Expenditures) . . . . .	\$	9,548,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	12,398,000

(7) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	<b>Appropriation:</b>		
	WSU Bldg Acct . . . . .	\$	6,500,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	21,300,000
	TOTAL . . . . .	\$	27,800,000

(8) Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

	<b>Reappropriation:</b>		
	WSU Bldg Acct . . . . .	\$	525,100
	<b>Appropriation:</b>		
	WSU Bldg Acct . . . . .	\$	670,000
	Prior Biennia (Expenditures) . . . . .	\$	7,900
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,203,000

(9) Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

	<b>Reappropriation:</b>		
	WSU Bldg Acct . . . . .	\$	638,300
	<b>Appropriation:</b>		
	WSU Bldg Acct . . . . .	\$	542,000



Prior Biennia (Expenditures) . . . . . \$	9,700
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>1,190,000</b>

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Reappropriation:</b>	
WSU Bldg Acct . . . . . \$	21,700
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	1,343,000
Prior Biennia (Expenditures) . . . . . \$	130,300
Future Biennia (Projected Costs) . . . \$	5,570,000
<b>TOTAL . . . . . \$</b>	<b>7,065,000</b>

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

<b>Appropriation:</b>	
WSU Bldg Acct . . . . . \$	1,513,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>1,513,000</b>

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	957,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	7,943,000
<b>TOTAL . . . . . \$</b>	<b>8,900,000</b>

- (13) Nuclear radiation center study (92-1-025)

<b>Reappropriation:</b>	
WSU Bldg Acct . . . . . \$	13,400

Prior Biennia (Expenditures) . . . . . \$	39,600
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	53,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	5,500,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	5,500,000

- (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

**Appropriation:**

WSU Bldg Acct . . . . . \$	869,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	869,000

- (16) Holland Library addition: To furnish and equip the library addition (92-2-012)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	29,500,000
WSU Bldg Acct . . . . . \$	48,600
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Subtotal Reappropriation. . . . . \$	29,548,600

**Appropriation:**

St Bldg Constr Acct. . . . . \$	2,580,000
Prior Biennia (Expenditures) . . . . . \$	4,992,400
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	37,121,000

- (17) **Veterinary teaching hospital:** To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	970,000
WSU Bldg Acct . . . . . \$	110,000
	-----
Subtotal Reappropriation. . . . \$	1,080,000

**Appropriation:**

H Ed Reimb Constr Acct . . . . \$	26,835,000
Prior Biennia (Expenditures) . . . . \$	747,000
Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	28,662,000

- (18) **Child care facility:** To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	2,171,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,171,000

- (19) **Carpenter Hall completion (renewal):** To complete the renovation of Carpenter Hall (92-2-016)

**Reappropriation:**

H Ed Constr Acct. . . . . \$	500,000
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**Appropriation:**

WSU Bldg Acct . . . . . \$	810,000
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Prior Biennia (Expenditures) . . . . . \$	6,289,715
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	7,599,715

- (20) **Communication infrastructure renewal:** To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	10,000,000
Prior Biennia (Expenditures) . . . . . \$	0

Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Reappropriation:</b>	
WSU Bldg Acct . . . . . \$	37,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	1,143,000
Prior Biennia (Expenditures) . . . . . \$	145,000
Future Biennia (Projected Costs) . . . \$	14,795,000
	-----
TOTAL . . . . . \$	16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	15,000,000
WSU Bldg Acct . . . . . \$	967,000
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Subtotal Appropriation . . . . . \$	15,967,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

<b>Appropriation:</b>	
WSU Bldg Acct . . . . . \$	1,761,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

**Appropriation:**

WSU Bldg Acct . . . . .	\$	2,321,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,321,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

**Appropriation:**

WSU Bldg Acct . . . . .	\$	2,714,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,850,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,850,000

**NEW SECTION. Sec. 36. FOR EASTERN WASHINGTON UNIVERSITY**

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	141,000
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	91,000
Future Biennia (Projected Costs) . . . . .	\$	4,850,000
TOTAL . . . . .	\$	5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	7,000,000
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	7,780,000
	Prior Biennia (Expenditures) . . . . .	\$	6,255,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	21,035,000
(3)	Electrical system renewal (86-1-002)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	890,000
	Prior Biennia (Expenditures) . . . . .	\$	1,894,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	2,784,000
(4)	Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	213,000
	<b>Appropriation:</b>		
	EWU Cap Proj Acct . . . . .	\$	1,000,000
	Prior Biennia (Expenditures) . . . . .	\$	985,000
	Future Biennia (Projected Costs) . . . . .	\$	1,500,000
			-----
	TOTAL . . . . .	\$	3,698,000
(5)	Minor capital improvements (86-1-010)		
	The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	<b>Reappropriation:</b>		
	EWU Cap Proj Acct . . . . .	\$	1,100,000
	Prior Biennia (Expenditures) . . . . .	\$	3,363,000
	Future Biennia (Projected Costs) . . . . .	\$	0
			-----
	TOTAL . . . . .	\$	4,463,000
(6)	Small repairs projects (86-1-011)		
	<b>Reappropriation:</b>		
	EWU Cap Proj Acct . . . . .	\$	422,000
	Prior Biennia (Expenditures) . . . . .	\$	1,107,000

Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>1,529,000</b>

(7) Energy conservation (86-2-006)

<b>Reappropriation:</b>	
<b>St H Ed Constr Acct . . . . . \$</b>	<b>200,000</b>
Prior Biennia (Expenditures) . . . . . \$	554,000
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>754,000</b>

(8) Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

<b>Appropriation:</b>	
<b>EWU Cap Proj Acct . . . . . \$</b>	<b>850,000</b>
Prior Biennia (Expenditures) . . . . . \$	1,283,000
Future Biennia (Projected Costs) . . . \$	2,500,000
<b>TOTAL . . . . . \$</b>	<b>4,633,000</b>

(9) Fire suppression: To install fire suppression systems throughout the campus (88-1-005)

<b>Reappropriation:</b>	
<b>St Bldg Constr Acct. . . . . \$</b>	<b>30,000</b>
<b>Appropriation:</b>	
<b>EWU Cap Proj Acct . . . . . \$</b>	<b>850,000</b>
Prior Biennia (Expenditures) . . . . . \$	496,000
Future Biennia (Projected Costs) . . . \$	1,700,000
<b>TOTAL . . . . . \$</b>	<b>3,076,000</b>

(10) Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)

<b>Reappropriation:</b>	
<b>EWU Cap Proj Acct . . . . . \$</b>	<b>850,000</b>
<b>Appropriation:</b>	
<b>St Bldg Constr Acct. . . . . \$</b>	<b>2,000,000</b>
Prior Biennia (Expenditures) . . . . . \$	230,000
Future Biennia (Projected Costs) . . . \$	1,000,000
<b>TOTAL . . . . . \$</b>	<b>4,080,000</b>

(11) Seventh Street replacement (90-3-001)

<b>Reappropriation:</b>	
<b>EWU Cap Proj Acct . . . . . \$</b>	<b>338,000</b>

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	338,000
(12)	Minor capital renewal (90-3-002)	
	<b>Reappropriation:</b>	
	EWU Cap Proj Acct . . . . . \$	1,150,000
	Prior Biennia (Expenditures) . . . . . \$	17,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,167,000
(13)	Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)	
	<b>Reappropriation:</b>	
	EWU Cap Proj Acct . . . . . \$	56,000
	Prior Biennia (Expenditures) . . . . . \$	109,000
	Future Biennia (Projected Costs) . . . \$	1,200,000
	TOTAL . . . . . \$	1,365,000
(14)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)	
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.	
	<b>Appropriation:</b>	
	EWU Cap Proj Acct . . . . . \$	2,200,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	4,400,000
	TOTAL . . . . . \$	6,600,000
(15)	Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)	
	<b>Appropriation:</b>	
	EWU Cap Proj Acct . . . . . \$	1,000,000
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	2,000,000
	TOTAL . . . . . \$	3,000,000
(16)	Underground storage tanks, code compliance: To remove and/or replace underground storage tanks under EPA requirements (92-1-003)	



The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

**Appropriation:**

EWU Cap Proj Acct . . . . . \$	250,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	250,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	2,000,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	3,000,000
	-----
TOTAL . . . . . \$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas

**Appropriation:**

EWU Cap Proj Acct . . . . . \$	1,200,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,200,000

**NEW SECTION. Sec. 37. FOR CENTRAL WASHINGTON UNIVERSITY**

- (1) Handicap modifications (88-1-007)

**Reappropriation:**

CWU Cap Proj Acct . . . . . \$	150,000
Prior Biennia (Expenditures) . . . . . \$	565,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	715,000

- (2) Psychology animal research facility (90-1-060)

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	1,700,000
Prior Biennia (Expenditures) . . . . . \$	447,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,147,000

- (3) Telecommunications system, phase 2 (90-2-003)
- Reappropriation:**
- |  |    |           |
|--|----|-----------|
| CWU Cap Proj Acct . . . . .                | \$ | 1,182,000 |
| Prior Biennia (Expenditures) . . . . .     | \$ | 261,600   |
| Future Biennia (Projected Costs) . . . . . | \$ | 0         |
| TOTAL . . . . .                            | \$ | 1,443,600 |
- (4) Shaw/Smyser Hall remodel (90-2-005)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.
- Reappropriation:**
- |                                   |    |           |
|-----------------------------------|----|-----------|
| St Bldg Constr Acct. . . . .      | \$ | 2,406,000 |
| CWU Cap Proj Acct . . . . .       | \$ | 950,000   |
| Subtotal Reappropriation. . . . . | \$ | 3,356,000 |
- Appropriation:**
- |  |    |            |
|--|----|------------|
| H Ed Reimb Constr Acct . . . . .           | \$ | 7,027,000  |
| Prior Biennia (Expenditures) . . . . .     | \$ | 349,900    |
| Future Biennia (Projected Costs) . . . . . | \$ | 0          |
| TOTAL . . . . .                            | \$ | 10,732,900 |
- (5) Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)
- Reappropriation:**
- |                              |    |         |
|------------------------------|----|---------|
| St Bldg Constr Acct. . . . . | \$ | 700,000 |
|------------------------------|----|---------|
- Appropriation:**
- |  |    |           |
|--|----|-----------|
| CWU Cap Proj Acct . . . . .                | \$ | 500,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ | 1,989,482 |
| Future Biennia (Projected Costs) . . . . . | \$ | 1,000,000 |
| TOTAL . . . . .                            | \$ | 4,189,482 |
- (6) Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)
- The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.
- Appropriation:**
- |  |    |           |
|--|----|-----------|
| CWU Cap Proj Acct . . . . .                | \$ | 750,000   |
| Prior Biennia (Expenditures) . . . . .     | \$ | 500,000   |
| Future Biennia (Projected Costs) . . . . . | \$ | 350,000   |
| TOTAL . . . . .                            | \$ | 1,600,000 |
- (7) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	150,000
<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	10,465,000
Prior Biennia (Expenditures) . . . . . \$	450,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	11,065,000

- (8) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	193,500
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	17,608,000
	-----
TOTAL . . . . . \$	17,801,500

- (9) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	800,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	1,600,000
	-----
TOTAL . . . . . \$	2,400,000

- (10) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

<b>Reappropriation:</b>	
CWU Cap Proj Acct . . . . . \$	2,113,000
<b>Appropriation:</b>	
CWU Cap Proj Acct . . . . . \$	3,791,000
Prior Biennia (Expenditures) . . . . . \$	3,673,000
Future Biennia (Projected Costs) . . . \$	6,978,000
	-----

	TOTAL . . . . .	\$	16,555,000
(11)	Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)		
	<b>Appropriation:</b>		
	CWU Cap Proj Acct . . . . .	\$	800,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	1,700,000
	TOTAL . . . . .	\$	2,500,000
(12)	Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces		
	<b>Appropriation:</b>		
	CWU Cap Proj Acct . . . . .	\$	1,170,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,170,000
(13)	Steamline phase II: To combine energy-related projects		
	<b>Reappropriation:</b>		
	CWU Cap Proj Acct . . . . .	\$	828,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	828,000

**NEW SECTION. Sec. 38. FOR THE EVERGREEN STATE COLLEGE**

(1)	Failed systems (90-2-001)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	331,800
	Prior Biennia (Expenditures) . . . . .	\$	212,270
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	544,070
(2)	Failed systems: Exterior building reseal and campus activity building settling and deck recaulk		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	53,000
	Prior Biennia (Expenditures) . . . . .	\$	192,000
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	245,000
(3)	Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)		

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	972,100
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	972,100

- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,766,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	1,766,500

- (5) Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	120,000

- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	967,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	967,000

- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	956,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	956,000

- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

**Appropriation:**

TESC Cap Proj Acct . . . . .	\$	185,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	185,000

- (9) Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)

**Appropriation:**

TESC Cap Proj Acct . . . . .	\$	162,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	162,000

- (10) Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	430,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	430,000

**NEW SECTION. Sec. 39. FOR WESTERN WASHINGTON UNIVERSITY**

- (1) Construct and equip science facility, phase 1 (90-1-001)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	20,300,000
Prior Biennia (Expenditures) . . . . .	\$	1,630,700
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	21,930,700

- (2) Science facility, phase 2 (design) (90-1-005)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	780,000
Prior Biennia (Expenditures) . . . . .	\$	107,300
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	887,300

- (3) Institute of Wildlife Toxicology (90-2-003)

**Reappropriation:**

WWU Cap Proj Acct. . . . .	\$	744,000
Prior Biennia (Expenditures) . . . . .	\$	756,000

Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>1,500,000</b>

- (4) Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	21,374,300
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
<b>TOTAL . . . . . \$</b>	<b>21,374,300</b>

- (5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . . \$	707,500
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	9,371,400
<b>TOTAL . . . . . \$</b>	<b>10,078,900</b>

- (6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**

WWU Cap Proj Acct. . . . . \$	2,500,000
<b>Appropriation:</b>	
WWU Cap Proj Acct. . . . . \$	7,500,000
Prior Biennia (Expenditures) . . . . . \$	7,807,465
Future Biennia (Projected Costs) . . . \$	12,000,000
<b>TOTAL . . . . . \$</b>	<b>29,807,465</b>

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

**Appropriation:**

St Bldg Constr Acct. . . . . \$	1,450,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,450,000

NEW SECTION. Sec. 40. FOR THE STATE LIBRARY

- (1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

**Reappropriation:**

General Fund-State . . . . . \$	75,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	75,000

NEW SECTION. Sec. 41. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

- (1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington state historical society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature: That a portion of exhibitry costs be used to fulfill the requirement under section 48 of this act that one-half percent of construction costs be used for artwork; that the total state contribution for the design and construction of the new exhibit center not exceed \$28,800,000; and that, in addition, at least \$7,000,000 of the design and construction cost be paid from nonstate sources, for a total project cost of at least \$35,800,000.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$	2,955,000
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<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	610,000
Prior Biennia (Expenditures) . . . . . \$	125,000
Future Biennia (Projected Costs) . . . \$	25,110,000
	-----
TOTAL . . . . . \$	28,800,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	250,849
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	250,849

- (3) Minor works for building repairs and educational and archeological collections  
The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	472,424
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	472,424

- (4) Museum interior remodeling (88-3-004)

<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	35,000
Prior Biennia (Expenditures) . . . . . \$	2,207,000
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	2,242,000

**NEW SECTION. Sec. 42. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

<b>Appropriation:</b>	
St Bldg Constr Acct. . . . . \$	746,211
Prior Biennia (Expenditures) . . . . . \$	542,832
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,289,043

(2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	424,279
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	424,279

(3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	56,727
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	56,727

NEW SECTION. **Sec. 43. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

(1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	10,600
<b>Appropriation:</b>		
St Bldg Constr Acct. . . . .	\$	99,510
Prior Biennia (Expenditures) . . . . .	\$	16,400
Future Biennia (Projected Costs) . . . . .	\$	10,500
TOTAL . . . . .	\$	137,010

NEW SECTION. **Sec. 44. FOR THE COMMUNITY COLLEGE SYSTEM**

(1) Extension facility (Puyallup) (86-3-021)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	99,211
Prior Biennia (Expenditures) . . . . .	\$	5,276,789
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,376,000

(2) Tech building and remodeling (Skagit Valley) (86-3-022)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	30,085
Prior Biennia (Expenditures) . . . . .	\$	3,369,915
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,400,000

(3) Heavy equipment building (South Seattle) (86-3-026)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	17,901
Prior Biennia (Expenditures) . . . . . \$	4,429,099
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,447,000
(4) Minor works (RMI) (88-2-001)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	114,174
Prior Biennia (Expenditures) . . . . . \$	3,385,826
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	3,500,000
(5) Repairs, exterior walls (88-3-003)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	218,614
Prior Biennia (Expenditures) . . . . . \$	4,045,386
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,264,000
(6) Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	500,121
Prior Biennia (Expenditures) . . . . . \$	3,574,879
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	4,075,000
(7) Minor improvements (88-3-005)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	781,756
Prior Biennia (Expenditures) . . . . . \$	12,982,244
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	13,764,000
(8) Repairs, electrical (88-3-006)	
<b>Reappropriation:</b>	
St Bldg Constr Acct. . . . . \$	114,986
Prior Biennia (Expenditures) . . . . . \$	1,277,014
Future Biennia (Projected Costs) . . . \$	0
	-----
TOTAL . . . . . \$	1,392,000

(9) Sites and interiors (88-3-007)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	168,312
Prior Biennia (Expenditures) . . . . .	\$	1,757,688
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	1,926,000
(10) Agri Tech building (Walla Walla) (88-3-008)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	1,000,539
Prior Biennia (Expenditures) . . . . .	\$	2,114,461
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,115,000
(11) Plan, and construct library-student center (86-2-031)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	328,911
Prior Biennia (Expenditures) . . . . .	\$	7,662,089
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	7,991,000
(12) Vocational shop (Wenatchee) (88-3-010)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	613,953
Prior Biennia (Expenditures) . . . . .	\$	341,047
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	955,000
(13) Computer facility (Edmonds) (88-3-011)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	14,934
Prior Biennia (Expenditures) . . . . .	\$	3,820,066
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	3,835,000
(14) Learning resource center (Clark) (88-3-012)		
<b>Reappropriation:</b>		
St Bldg Constr Acct. . . . .	\$	620,017
Prior Biennia (Expenditures) . . . . .	\$	5,759,983
Future Biennia (Projected Costs) . . . . .	\$	0
		-----
TOTAL . . . . .	\$	6,380,000

(15)	Extension center (Yakima Valley) (88-3-013)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . . \$		102,068
		Prior Biennia (Expenditures) . . . . . \$	1,588,932
		Future Biennia (Projected Costs) . . . \$	0
			-----
		TOTAL . . . . . \$	1,691,000
(16)	Math and science building (Spokane Falls) (88-3-015)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . . \$		779,618
		Prior Biennia (Expenditures) . . . . . \$	4,970,382
		Future Biennia (Projected Costs) . . . \$	0
			-----
		TOTAL . . . . . \$	5,750,000
(17)	Learning resource center (Spokane) (88-3-016)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . . \$		588,025
		Prior Biennia (Expenditures) . . . . . \$	4,946,975
		Future Biennia (Projected Costs) . . . \$	0
			-----
		TOTAL . . . . . \$	5,535,000
(18)	Preplanning for 1989-93 major projects (88-4-014)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . . \$		48,852
		Prior Biennia (Expenditures) . . . . . \$	448,148
		Future Biennia (Projected Costs) . . . \$	0
			-----
		TOTAL . . . . . \$	497,000
(19)	Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)		
	<b>Reappropriation</b>		
	St Bldg Constr Acct. . . . . \$		66,117
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . . \$		2,123,000
		Prior Biennia (Expenditures) . . . . . \$	41,883
		Future Biennia (Projected Costs) . . . \$	0
			-----
		TOTAL . . . . . \$	2,231,000
(20)	Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . . \$		5,998,000

	Prior Biennia (Expenditures) . . . . . \$	256,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	6,254,000
(21)	Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	20,747
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,307,000
	Prior Biennia (Expenditures) . . . . . \$	57,253
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	1,385,000
(22)	Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	77,194
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,972,000
	Prior Biennia (Expenditures) . . . . . \$	35,806
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	2,085,000
(23)	Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	49,234
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	2,025,000
	Prior Biennia (Expenditures) . . . . . \$	45,766
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL . . . . . \$	2,120,000
(24)	Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)	
	<b>Reappropriation:</b>	
	St Bldg Constr Acct. . . . . \$	76,722
	<b>Appropriation:</b>	
	St Bldg Constr Acct. . . . . \$	1,746,000
	Prior Biennia (Expenditures) . . . . . \$	13,278
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL . . . . .	\$	1,836,000
(25)	Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	138,067
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	2,902,000
	Prior Biennia (Expenditures) . . . . .	\$	1,933
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,042,000
(26)	Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	33,714
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	6,311,000
	Prior Biennia (Expenditures) . . . . .	\$	211,286
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	6,556,000
(27)	Construct: Student activity and physical education facility (Seattle Central) (88-5-028)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	148,348
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	11,080,000
	Prior Biennia (Expenditures) . . . . .	\$	251,652
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	11,480,000
(28)	Washington State University education center (Clark) (89-5-019)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	12,793
	Prior Biennia (Expenditures) . . . . .	\$	1,787,207
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,800,000
(29)	Multipurpose child care center (Everett) (89-5-020)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	20,055
	Prior Biennia (Expenditures) . . . . .	\$	465,533
	Future Biennia (Projected Costs) . . . . .	\$	0

	TOTAL . . . . .	\$	485,588
(30)	Fire and security repairs (90-1-004)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	499,132
	Prior Biennia (Expenditures) . . . . .	\$	448,478
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	947,610
(31)	Roof and structural repairs (90-2-002)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,336,671
	Prior Biennia (Expenditures) . . . . .	\$	2,321,329
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	3,658,000
(32)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,412,452
	Prior Biennia (Expenditures) . . . . .	\$	1,560,378
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,972,830
(33)	Electrical repairs (90-2-005)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	126,639
	Prior Biennia (Expenditures) . . . . .	\$	244,601
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	371,240
(34)	Small repairs and improvements (90-3-001)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,338,574
	Prior Biennia (Expenditures) . . . . .	\$	2,861,426
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	4,200,000
(35)	Learning assistance resource center (Centralia) (90-3-006)		
	<b>Reappropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	66,076
	Prior Biennia (Expenditures) . . . . .	\$	4,147,924
	Future Biennia (Projected Costs) . . . . .	\$	0



TOTAL . . . . . \$ 4,214,000

(36) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**  
 St Bldg Constr Acct. . . . . \$ 740,342  
 Prior Biennia (Expenditures) . . . . . \$ 3,107,838  
 Future Biennia (Projected Costs) . . . \$ 0  
 -----  
 TOTAL . . . . . \$ 3,848,180

(37) Technology laboratories (Highline) (90-3-023)

**Reappropriation:**  
 St Bldg Constr Acct. . . . . \$ 554,817  
 Prior Biennia (Expenditures) . . . . . \$ 2,213,183  
 Future Biennia (Projected Costs) . . . \$ 0  
 -----  
 TOTAL . . . . . \$ 2,768,000

(38) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Reappropriation:**  
 St Bldg Constr Acct. . . . . \$ 4,454,434  
 Prior Biennia (Expenditures) . . . . . \$ 8,838,506  
 Future Biennia (Projected Costs) . . . \$ 0  
 -----  
 TOTAL . . . . . \$ 13,292,940

(39) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**  
 St Bldg Constr Acct. . . . . \$ 34,750  
**Appropriation:**  
 St Bldg Constr Acct. . . . . \$ 249,000  
 Prior Biennia (Expenditures) . . . . . \$ 28,250  
 Future Biennia (Projected Costs) . . . \$ 6,378,000  
 -----  
 TOTAL . . . . . \$ 6,690,000

## (40) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	202,000
Prior Biennia (Expenditures) . . . . .	\$	45,000
Future Biennia (Projected Costs) . . . . .	\$	6,940,000
TOTAL . . . . .	\$	7,187,000

## (41) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	33,157
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	280,000
Prior Biennia (Expenditures) . . . . .	\$	34,843
Future Biennia (Projected Costs) . . . . .	\$	5,213,000
TOTAL . . . . .	\$	5,561,000

## (42) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	9,076
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	298,000
Prior Biennia (Expenditures) . . . . .	\$	54,924
Future Biennia (Projected Costs) . . . . .	\$	6,536,000
TOTAL . . . . .	\$	6,898,000

## (43) Design: Vocational art facility (Shoreline) (90-5-014)

**Reappropriation:**

St Bldg Constr Acct. . . . .	\$	22,407
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**Appropriation:**

St Bldg Constr Acct. . . . .	\$	157,000
Prior Biennia (Expenditures) . . . . .	\$	28,593
Future Biennia (Projected Costs) . . . . .	\$	2,785,000

TOTAL . . . . . \$ 2,993,000

(44) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 33,280

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 305,000

Prior Biennia (Expenditures) . . . . . \$ 39,720

Future Biennia (Projected Costs) . . . \$ 5,725,000

TOTAL . . . . . \$ 6,103,000

(45) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

**Reappropriation:**

St Bldg Constr Acct. . . . . \$ 5,117

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 258,000

Prior Biennia (Expenditures) . . . . . \$ 53,883

Future Biennia (Projected Costs) . . . \$ 4,276,000

TOTAL . . . . . \$ 4,593,000

(46) Design: Library addition (Skagit Valley) (90-5-017)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 116,000

Prior Biennia (Expenditures) . . . . . \$ 44,000

Future Biennia (Projected Costs) . . . \$ 1,896,000

TOTAL . . . . . \$ 2,056,000

(47) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 105,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . \$ 0

TOTAL . . . . . \$ 105,000

(48) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)

**Appropriation:**

St Bldg Constr Acct. . . . . \$ 78,000

	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>78,000</b>
(49)	Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>498,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>498,000</b>
(50)	Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>700,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>700,000</b>
(51)	Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>280,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>280,000</b>
(52)	Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)	
	<b>Appropriation:</b>	
	<b>St Bldg Constr Acct. . . . . \$</b>	<b>1,893,000</b>
	Prior Biennia (Expenditures) . . . . . \$	0
	Future Biennia (Projected Costs) . . . \$	0
	<b>TOTAL . . . . . \$</b>	<b>1,893,000</b>
(53)	Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)	

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	650,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	650,000

- (54) Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	1,172,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	1,172,000

- (55) Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	7,457,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	7,457,000

- (56) Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	817,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	817,000

- (57) Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	3,074,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0
TOTAL . . . . .	\$	3,074,000

- (58) Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	2,307,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . .	\$	0

	TOTAL . . . . .	\$	2,307,000
(59)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	2,508,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	2,508,000
(60)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	692,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	692,000
(61)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,440,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,440,000
(62)	Site repairs: To provide site improvements on eleven campuses (92-2-111)		
	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	1,329,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0
	TOTAL . . . . .	\$	1,329,000
(63)	Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)		

\$45,000, or as much thereof as may be necessary, of the appropriation in this subsection is provided for an evaluation of the physical condition of the Seattle Vocational Institute formerly the Washington Institute of Applied Technology (WIAT) facility.

	<b>Appropriation:</b>		
	St Bldg Constr Acct. . . . .	\$	6,256,000
	Prior Biennia (Expenditures) . . . . .	\$	0
	Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 6,256,000

- (64) Minor improvements: To complete fifty-seven minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

**Appropriation:**  
**St Bldg Constr Acct. . . . . \$ 16,930,000**  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 0  
 TOTAL . . . . . \$ 16,930,000

- (65) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

**Appropriation:**  
**St Bldg Constr Acct. . . . . \$ 57,000**  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 9,653,000  
 TOTAL . . . . . \$ 9,710,000

- (66) Preplan: Vocational building (Skagit Valley) (92-5-502)

**Appropriation:**  
**St Bldg Constr Acct. . . . . \$ 25,000**  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 2,116,000  
 TOTAL . . . . . \$ 2,141,000

- (67) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

**Appropriation:**  
**St Bldg Constr Acct. . . . . \$ 45,000**  
 Prior Biennia (Expenditures) . . . . . \$ 0  
 Future Biennia (Projected Costs) . . . \$ 6,942,000  
 TOTAL . . . . . \$ 6,987,000

## (68) Preplan: Office and instructional building (Edmonds) (92-5-504)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	8,485,000
TOTAL . . . . .	\$	8,543,000

## (69) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	42,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	5,849,000
TOTAL . . . . .	\$	5,891,000

## (70) Preplan: Learning resource center and technical facility (Green river) (92-5-506)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	58,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	10,462,000
TOTAL . . . . .	\$	10,520,000

## (71) Preplan: New Campus One (92-5-701)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	14,800,000
TOTAL . . . . .	\$	15,100,000

## (72) Pool repairs (Pierce)

**Appropriation:**

St Bldg Constr Acct. . . . .	\$	600,000
Prior Biennia (Expenditures) . . . . .	\$	0



Future Biennia (Projected Costs) . . . \$	0
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TOTAL . . . . . \$	600,000

**NEW SECTION. Sec. 45. FOR THE HIGHER EDUCATION COORDINATING BOARD**

(1) Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education. The board shall consult with the office of financial management in developing the facilities inventory

**Appropriation:**

St Bldg Constr Acct. . . . . \$	120,000
Prior Biennia (Expenditures) . . . . . \$	0
Future Biennia (Projected Costs) . . . \$	300,000
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TOTAL . . . . . \$	420,000

**"PART 6  
MISCELLANEOUS"**

**NEW SECTION. Sec. 46.** The estimated general fund--state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

**NEW SECTION. Sec. 47.** The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

- (1) Department of Social and Health Services to:
  - (a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and
  - (b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.
- (2) Department of Corrections to:
  - (a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;
  - (b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;
  - (c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;
  - (d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and
  - (e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.
- (3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$450,000;

(i) Purchase a central storage facility for Spokane Community College for \$75,000;

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000; and

(k) Lease-purchase an auto technology training facility at Shoreline Community College for \$2,600,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

**NEW SECTION. Sec. 48. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.**

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

**NEW SECTION. Sec. 49.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 50.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

**NEW SECTION. Sec. 51.** To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 52.** As part of the annual update to the State Facilities and Capital Plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

**NEW SECTION. Sec. 53.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the

moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

**NEW SECTION. Sec. 54.** Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. This section shall not apply to section 12(5) of this act.

**NEW SECTION. Sec. 55.** Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 56.** Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 57.** The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

**Sec. 58.** RCW 43.168.110 and 1985 c 164 s 11 are each amended to read as follows:

There is established the Washington state development loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent ~~((without))~~ only after legislative appropriation for loans under this chapter. ~~((However,))~~ Any expenditures of these moneys shall conform to federal law.

**NEW SECTION. Sec. 59.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

**NEW SECTION. Sec. 60.** The appropriations in sections 34 through 39 and 44 of this act are subject to the following requirements:

(1) Using a committee that includes one or more students, faculty, and staff with disabilities, each institution of higher education shall identify barriers to physical access on that institution's campuses.

(2) Beginning with its 1993-95 capital budget request, each institution shall incorporate into its capital budget process efforts to reduce physical barriers to access.

**NEW SECTION. Sec. 61.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**"PART 7****SEVERABILITY AND EFFECTIVE DATE"**

NEW SECTION. **Sec. 62.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. **Sec. 63.** 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. 64.** 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 "budget;" strike the remainder of the title and insert "amending RCW 43.168.110; amending section 208, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bluechel, Rinehart and Matson; Representatives H. Sommers and Rasmussen.

**MOTION**

Senator Bluechel moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1427 be adopted.

**POINT OF INQUIRY**

Senator Rasmussen: "Senator Bluechel, I found back here in Part Six-Miscellaneous. It says, 'The estimated general fund-state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period'--a minor amount--but then it says during the 1993-95 fiscal period, that figure jumps up to \$146,400,000 and \$192,200,000 during the 1995-97--out of the general fund to service the debt. Can those figures be correct?"

Senator Bluechel: "Senator Rasmussen, we have a serious problem in this state with the spotted owl situation, as you well know. A hundred twenty million of this debt servicing is coming from bonding the K thru 12 system and that is part of the funds. We simply do not have the same situation existing today that we had four years ago. This Legislature is going to have to face up to the fact of finding another permanent fund source for K thru 12 within a very short few years. Because of the extra population in the state, because of the demand on prisons, on higher education and on K thru 12, primarily, we have a requirement for increased debt service, which will rise

to about nineteen ninety-seven and then decline to where it is today about two thousand and three. That is the graph that we have all been working from."

Senator Rasmussen: "If I heard you correctly, you indicated two hundred and seventy-six million for common school construction which is needed, I agree. Then, we are going to have to service the debt; it is going to cost us a hundred ninety-two million, two hundred thousand. It would seem that maybe that we have more things in this capital budget than what we need--what we could actually get along without and we have thrown everything in but the kitchen sink. I know that there is going to be a two-term limit on legislators and probably that will be a good thing, because the way we are piling up that debt there and servicing it out of the general fund, we are not going to have enough to provide for the school teachers or any of the books that the kids need. A hundred ninety-two million, two hundred thousand in the years nineteen ninety-five-ninety-seven--that is a lot of money coming out of the general fund. It would indicate that we are probably, maybe not equal to the federal government, but trying to catch up and be equal with them and piling up the debt. Thank you. You do agree that the figures are correct, then?"

Senator Bluechel: "Yes, Senator Rasmussen."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bluechel to adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1427.

The motion by Senator Bluechel carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1427 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1427, as recommended by the Conference Committee.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1427, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesemig, Johnson, M. Kreidler, Matson, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Pelz, Rinehart, Sellar, Skratek, A. Smith, Snyder, Sutherland, Vognild, von Reichbauer, West, Williams - 32.

Voting nay: Senators Amondson, Anderson, Craswell, Madsen, Metcalf, Nelson, Oke, Patterson, Rasmussen, Roach, L. Smith, Talmadge, Thorsness, Wojahn - 14.

Excused: Senators McCaslin, Saling, Stratton - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, as recommended by the 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.

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

There being no objection, the Senate resumed consideration of Reengrossed Substitute House Bill No. 1058, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1058.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Excused: Senators McCaslin, Saling, Stratton, - 3.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058, having received the 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

June 27, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5149 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.17.020 and 1990 c 139 s 2 are each 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:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) 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) "Gift," for the purposes of RCW 42.17.170 and section 3 of this 1991 act, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and section 3 of this 1991 act does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to the effective date of this 1991 act.

(17) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

((17)) (18) "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)) (19) "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)) (20) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

((20)) (21) "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)) (22) "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)) (23) "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)) (24) "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)) (25) "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)) (26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

((26)) (27) "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)) (28) "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)) (29) "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. 2. RCW 42.17.170 and 1990 c 139 s 3 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. 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. However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.

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. All contributions made to, or for the benefit 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.

(f) A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist a gift, as defined in RCW 42.17.020, the lobbyist shall transmit to the official a copy of the completed form used to identify the gift in the report at the same time the report is filed with the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

At the same time that an elected official or executive state officer must file a statement of financial affairs under RCW 42.17.240(1), the official or officer shall file a statement identifying each gift, as defined in RCW 42.17.020, which was received by the official or officer or by a member of his or her immediate family during the previous calendar year. The statement shall apply to that portion of the previous calendar year during which the official or officer held an office or position for which a statement of financial affairs is required under RCW 42.17.240. The statement shall identify the nature of the gift, the date it was received, and the name of the donor. The commission may adopt a form for reporting the receipt of gifts under this section or may incorporate that reporting into the form or forms adopted by the commission for the statement of financial affairs.

Sec. 4. RCW 42.17.243 and 1977 ex.s. c 336 s 5 are each amended to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240, shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar year for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section shall be referred to as a "public office fund" and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3) (a) of this section. ~~((For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.))~~ Reimbursements or payments for travel do not constitute contributions for the purposes of this section.

A report shall be filed during the month of January of any year following a year in which such contributions were received for or expenditures made from a public office fund. The report shall include:

- (a) The name and address of each contributor;
- (b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and
- (c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

(a) The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or

(b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

(a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or

(b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or

(c) Transferred to the state treasurer for deposit in the general fund.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.170, and 42.17.243; adding a new section to chapter 42.17 RCW; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Nelson moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5149.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, if we pass this Engrossed Substitute Senate Bill No. 5149, that will in effect supercede the Senate rule that was adopted by this body?"

Senator Nelson: "No, Senator Rasmussen, at the bar of the Senate there is an amendment to our Senate Rules that basically says that if this bill were to be passed by the Legislature and signed by the Governor, then this legislation would supercede the Senate Rule. You bring up a good question which the PDC and, I'm sure, others within the elected ranks are concerned about, that the Senate has a rule that has quarterly reporting and only applies to us and the staff. There is some feeling on the part of everyone, including the PDC, that the standardization and the approach should be embodied in the statute such as we have now in 5149."

Senator Rasmussen: "Well, that answers my question. This is a better measure which covers all elected officials that aren't covered under the present PDC."

Senator Nelson: "Yes, that is my opinion, Senator Rasmussen."

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5149.

The motion by Senator Nelson carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5149.

### 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 Engrossed Substitute Senate Bill No. 5149, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5149, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators McCaslin, Patterson, Saling, Stratton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, 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.

## MOTION

Senator Newhouse moved that the twenty-four hour rule be suspended to consider Senate Resolution 1991-8703.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the twenty-four hour rule to consider Senate Resolution 1991-8703.

The motion by Senator Newhouse carried and the twenty-four hour rule was suspended to consider Senate Resolution 1991-8703.

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

## MOTION

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

## SENATE RESOLUTION 1991-8703

By Senators Nelson and Talmadge

BE IT RESOLVED, That Senate Resolution No. 1991-8606, adopting the Rules of the Senate for the 52nd Legislature, be amended as follows:

On page 9, add the following language at the end of Rule 13:

"(3) The gift reporting requirements for members and staff contained in this rule will be inoperative so long as a state law is in effect which addresses gift reporting to the Public Disclosure Commission."

## MOTION

At 5:45 p.m., on motion of Senator Newhouse, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:37 p.m. by President Pritchard.

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

## MESSAGES FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1891, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 28, 1991

MR. PRESIDENT:

The Speaker has signed:  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,  
ENGROSSED SENATE BILL NO. 5985, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025.

## SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5149.

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

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1891 by Representatives Braddock and Wineberry (by request of Washington Basic Health Plan and Office of Financial Management)

Coordinating the basic health plan with medical assistance.

## MOTION

On motion of Senator Newhouse, the rules were suspended and House Bill No. 1891 was advanced to second reading and placed on the second reading calendar.

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

## MESSAGE FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5790 and returned the bill to second reading for the purpose of amending the bill and adopted the following amendments and passed the bill as amended:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.30.020 and 1991 c 339 s 24 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

~~(2) ((A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.~~

(3)) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in



compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

~~((4))~~ (3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

~~((5))~~ (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

~~((1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.~~

~~(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.~~

~~(3))~~ Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Sec. 3. RCW 46.63.151 and 1981 c 19 s 4 are each amended to read as follows:

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

On line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.30.020, 46.30.040, and 46.63.151; and prescribing penalties.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Nelson moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5790.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5790.

The motion by Senator Nelson carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5790.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5790, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 4; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Sellar, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 39.

Voting nay: Senators Rasmussen, Roach, Skratek, Williams - 4.

Absent: Senators Erwin, Hayner, Matson - 3.

Excused: Senators McCaslin, Saling, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, 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.

## MOTION

At 7:59 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Saturday, June 29, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

**TWENTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Saturday, June 29, 1991

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 Conner, Saling, Stratton and Williams. On motion of Senator Anderson, Senator Saling was excused. On motion of Senator Murray, Senators Conner, Stratton and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Naismith and Patrick Rasmussen, presented the Colors. Reverend Jim Todd, pastor of the Sonrise Church of God of Olympia, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

June 28, 1991

**MR. PRESIDENT:**

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4412, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 28, 1991

**MR. PRESIDENT:**

The House has passed HOUSE BILL NO. 2237, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 28, 1991

**MR. PRESIDENT:**

The House has passed ENGROSSED HOUSE BILL NO. 1376, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1376 by Representatives Wang, Holland, Fraser, Silver, Phillips, Brumsickle, Wynne, Horn, Pruitt, Orr, Sprenkle, Hine and Brekke (by request of Software Study Committee)

Classifying computer software for purposes of taxation.

HOLD.

HB 2237 by Representatives Locke, Silver and Ebersole

Improving medicaid financing.

HOLD.

HCR 4412 by Representatives Dellwo, Rayburn and Pruitt

Making changes in Senate Select Committee on Washington 2000 A.D.

HOLD.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 1376, House Bill No. 2237 and House Concurrent Resolution No. 4412 were advanced to second reading and placed on the second reading calendar.

## MOTION

At 9:07 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.

## SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5790.

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

## MESSAGE FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907, ENGROSSED HOUSE BILL NO. 2235 and HOUSE CONCURRENT RESOLUTION NO. 4422 and passed the bills as amended by the Senate.

ALAN THOMPSON, Chief Clerk

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

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Dellwo, Rayburn and Pruitt

Making changes in Senate Select Committee on Washington 2000 A.D.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Bluechel, the rules were suspended, House Concurrent Resolution Bill No. 4412 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, I note that it says, 'Appointed by the Speaker of the House and appointed by the President of the Senate' and it says, 'The Joint Select Committee on Washington 2000 shall be those members of the Senate and the House of Representatives currently assigned to serve on the Senate Select Committee.' It doesn't say until the year 2000. I'm wondering are these lifetime appointments and who are the present Senators that are serving?"

Senator Bluechel: "The present Senators include myself, Senator Williams, Senator Madsen, Senator Nelson, Senator Sutherland and Senator Hayner."

Senator Rasmussen: "You have no intention of making these lifetime appointments?"

Senator Bluechel: "Well, with their permission, we'd have to get into that, Senator, but I don't think so. The appointments would be made, as are all appointments, every two years."

Senator Rasmussen: "Does this require traveling and if you travel will you take the Sergeant at Arms with the uniform such as the Speaker of the House from Alberta did when he came down? It makes it much more impressive."

Senator Bluechel: "Senator, most of this is staff work and dealing with the legislators in both bodies. We do have one or two staff training sessions a year. The one we had last year which had a hundred twenty-three staff and

legislative members was in the SeaTac area, because it was more convenient there, but ninety-five percent of all of the activities are carried on in Olympia within the legislative halls or the member's offices and committee offices."

Senator Rasmussen: "The staff does the work--"

Senator Bluechel: "The staff does the work here, but we do have and we intend to have one to two broad-based training sessions a year. The last one we had up at the Red Lion at SeaTac, so that it was convenient for the members to attend. We had twenty-three legislative members there from around the state."

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4412.

House Concurrent Resolution No. 4412 was adopted by voice vote.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1376, by Representatives Wang, Holland, Fraser, Silver, Phillips, Brumsickle, Wynne, Horn, Pruitt, Orr, Sprengle, Hine and Brekke (by request of Software Study Committee)

Classifying computer software for purposes of taxation.

The bill was read the second time.

## MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 1376 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 McDonald, let's assume that all of this software is indeed software, whether it is canned or imbedded or custom or golden. If this is all software, how can we not then decide that all of it must be taxed as property under the property tax since we are required to tax all classes of property uniformly?"

Senator McDonald: "Well, I think that the question, of course, is what is the machine and what is the software and how valuable is the piece of software? It could be very valuable one year and six months later, it could be of no value. That's why they came to this resolution. I was not a party to all those discussions within this group that included the assessors and included the Department of Revenue and included those who use it and those who manufacture it. So, I can't tell you the deliberations that they went through. I would reverently admit that this is not a perfect bill, but if we don't pass this bill, I can tell you that we will have thirty-nine counties doing it thirty-nine different ways and I think that would be a bad thing."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Pelz, I notice the prime sponsor on this bill--Engrossed House Bill No. 1376--is Representative Wang. I have on my desk many newspaper releases where he was going to repeal a lot of tax exemptions and was not going to grant anymore. Now, I'm not sure that you have this bill right that this would be a tax exemption, because Representative Wang, who comes from Tacoma, would never do that and he is the prime sponsor. That's why you have me confused."

Senator Pelz: "Senator Rasmussen, I'm glad you asked me that question and I have to confess that I have never understood Pierce County legislators."

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, have we ever collected this tax?"

Senator McDonald: "I can't tell you if anybody has ever collected any tax on this. Right now, some of the counties may be collecting some. What we told them last year was to do nothing different than they were doing the year previous to that in anticipation of passing something more comprehensive this time around. So, I can't answer your question, but it is on a nominal basis right now."

Senator Rasmussen: "We haven't lost a great deal, then?"

Senator McDonald: "No, I think that you will probably pick up some."

Senator Rasmussen: "Along with the Liquor Board collecting the cigarette tax, we are going to be wealthy."

## POINT OF INQUIRY

Senator Barr: "Senator McDonald, I got equally suspicious when I saw the prime sponsor of the bill, so I read it--part of it. Could you explain to me, if you are prepared to, Section 6?"

Senator McDonald: "Yes, Senator Barr, Section 6 simply says that this is--if you are a foreign national government, a church, cemetery, nongovernmental nonprofit corporation, etc. which are the usual exempt organizations, then you do not have to file this--you do not have to ask for a personal property tax exemption--if all you have is software."

Senator Barr: "Oh, so when they crossed out that pursuant to 84.36 RCW, I hear what you are saying, then procedure-wise it helps these organizations."

Senator McDonald: "That is correct."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1376.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1376 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Sellar, L. Smith, Snyder, Sutherland, Thorsness, von Reichbauer, West - 33.

Voting nay: Senators Bailey, Erwin, Moore, Niemi, Oke, Pelz, Roach, Skratek, A. Smith, Talmadge, Vognild, Wojahn - 12.

Excused: Senators Conner, Saling, Stratton, Williams - 4.

ENGROSSED HOUSE BILL NO. 1376, having received the constitutional majority, 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. 1891, by Representatives Braddock and Wineberry (by request of Washington Basic Health Plan and Office of Financial Management)

Coordinating the basic health plan with medical assistance.

The bill was read the second time.

## MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1891 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. 1891.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1891 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, West, Wojahn - 44.

Absent: Senator von Reichbauer - 1.

Excused: Senators Conner, Saling, Stratton, Williams - 4.

HOUSE BILL NO. 1891, having received the 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

June 28, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5560, with the following amendments:

On page 3, after line 30, insert:

"(5) The board shall make a special effort to enforce laws that protect children and young adults from the harmful effects of tobacco and alcohol consumption."

On page 7, beginning on line 21, strike all of section 8

Renumber the remaining sections and correct internal references accordingly.

On page 1, line 7 of the title, strike "adding new sections" and insert "adding a new section", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Senate Bill No. 5560.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Bill No. 5560.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 5560.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5560, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, M. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, L. Smith, Snyder, Sutherland, Thorsness, von Reichbauer, West - 32.

Voting nay: Senators Gaspard, Hansen, Jesernig, Madsen, Moore, Murray, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Wojahn - 13.

Excused: Senators Conner, Saling, Stratton, Williams - 4.

SENATE BILL NO. 5560, 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.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, we just had delivered a new budget and it says, 'New Items.' Are we preparing a special sheet showing new items. You get to kind of blind staggers after you read about five of these."

## REPLY BY THE PRESIDENT

President Pritchard: "I agree. Are we preparing anything special? I think you will probably have to ask the Senate Ways and Means Chairman to know what material is going to be available to you."

Senator Rasmussen: "The chairman, is he present? Are you going to have a special sheet showing what the new items were, so that we don't have to go through the whole book again?"

## REMARKS BY SENATOR McDONALD

Senator McDonald: "I will have the Ways and Means staff come over and go through it with you, Senator Rasmussen."

Senator Rasmussen: "Not me, I mean for all of us. Some of the rest may be interested, too."

Senator McDonald: "Anybody that's interested, I will certainly be happy to go over it with them."

Senator Rasmussen: "I don't want to talk with them; I want a sheet where I can look at it."

Senator McDonald: "We'll get you something."

Senator Rasmussen: "Thank you."

## MOTION

At 12:01 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 3:05 p.m. by President Pritchard.

## MESSAGES FROM THE HOUSE

June 29, 1991

MR. PRESIDENT:

The Speaker has signed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907,

ENGROSSED HOUSE BILL NO. 2235,

HOUSE BILL NO. 2242,

HOUSE CONCURRENT RESOLUTION NO. 4422,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 29, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1890, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

### SECOND READING

HOUSE BILL NO. 2237, by Representatives Locke and Silver

Improving medicaid financing.

The bill was read the second time.

### MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2237 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 McDonald, can you tell me the rationale for the language on the bottom of page 2 and top of page 3, which effectively sunsets this entire operation on July 1 of 1993?"

Senator McDonald: "That is correct. I think it has to do with the concerns of the hospitals that if we did not do that and if it simply went on ad infinitum, then they could end up with the tax and no reimbursement from Medicaid. Therefore, we have sunsetted this and it is the intention of the Governor and myself and Representative Locke to the extent that we have power to do same--not to reimpose this unless it is in agreement with the hospital."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2237.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2237 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Sellar, Skratek, A. Smith, Snyder, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators Anderson, Craswell, Jesernig, Rasmussen, Roach, L. Smith, Sutherland - 7.

Excused: Senators Conner, Saling, Stratton - 3.

HOUSE BILL NO. 2237, having received a 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. 5560.

#### SIGNED BY THE PRESIDENT

The President signed:  
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,  
ENGROSSED HOUSE BILL NO. 2235,  
HOUSE BILL NO. 2242,  
HOUSE CONCURRENT RESOLUTION NO. 4422.

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1890 by Representative Braddock (by request of Office of Financial Management and Department of Social and Health Services)

Revising provisions for the regulation of nursing homes.

HOLD.

#### MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed House Bill No. 1890 was advanced to second reading and placed on the second reading calendar.

#### MOTION

Senator Snyder moved that Senate Bill No. 6009 be introduced.

Debate ensued.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. Listening to Senator McDonald, it would seem like he is arguing a bill that is not even before us. As I understood, Senator Snyder merely asked for the bill to be read in, which we have done and do constantly, so that we can refer it to the appropriate committee. At that time, the committee will consider it or we may suspend the rules and boost it, but there certainly should be no objection from anybody and we should not debate the benefits or merits of the bill. I could go on and say, 'Mr. President, it is a life and death matter that these kids be trained to drive,' but I don't want to debate the bill. The question is, just let's introduce it."

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator, we have a few steps to go. We are having some debate on both sides. Maybe we can get the bill read in and then we can do that."

#### INTRODUCTION AND FIRST READING

SB 6009 by Senators Bauer, Gaspard, Murray, Madsen, McMullen, M. Kreidler, Hansen, Sutherland, Snyder, Moore, Owen, Pelz, A. Smith, Jesernig, Talmadge, Niemi, Wojahn, Vognild, Rasmussen, Skratek, Rinehart, Williams and Roach

Funding drivers' education.

#### MOTION

Senator Newhouse moved that Senate Bill No. 6009 be referred to the Committee on Ways and Means.

#### MOTION

Senator Snyder moved that the rules be suspended and Senate Bill No. 6009 be advanced to second reading and placed on the second reading calendar.

The President declared the question before the Senate to be the positive motion by Senator Newhouse that Senate Bill No. 6009 be referred to the Committee on Ways and Means.

Debate ensued.

Senator Snyder 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 Newhouse to refer Senate Bill No. 6009 to the Committee on Ways and Means.

## ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse carried by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Conner, Saling, Stratton - 3.

Senate Bill No. 6009 was referred to the Committee on Ways and Means.

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

## MESSAGE FROM THE HOUSE

June 29, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5959 with the following amendment:

On page 9, beginning on line 24, strike all of section 2

Renumber remaining sections, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON

## MOTION

On motion of Senator McDonald, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5959.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5959, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5959, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Sellar, L. Smith, Snyder, Thorsness, von Reichbauer, West - 28.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, M. Kreidler, McMullen, Moore, Murray, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Vognild, Williams, Wojahn - 18.

Excused: Senators Conner, Saling, Stratton - 3.

ENGROSSED SENATE BILL NO. 5959, as amended by the House, having received a 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

June 29, 1991

MR. PRESIDENT:

Under suspension of the rules, the House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON

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

### SECOND READING

ENGROSSED HOUSE BILL NO. 1890, by Representative Braddock (by request of Office of Financial Management and Department of Social and Health Services)

Revising provisions for the regulation of nursing homes.

The bill was read the second time.

### MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1890 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. 1890.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1890 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bailey, Bauer, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Excused: Senators Conner, Saling, Stratton - 3.

ENGROSSED HOUSE BILL NO. 1890, having received the 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:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907.

#### PERSONAL PRIVILEGE

Senator Metcalf: "A point of personal privilege. Mr. President and members of the Senate, I would just like to call attention to some of the visitors we have in the Chamber. I guess, in looking around, I would like for them to stand so that you can all see. I think I would call them the Sine Tie delegation."

EDITOR'S NOTE: Senator Metcalf introduced members of the House of Representatives present in the Chamber, all attired in bow ties.

#### MOTION

Senator Newhouse moved that the twenty-four hour rule be suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 1330.

#### POINT OF INQUIRY

Senator Gaspard: "Mr. President, before I respond to that motion, I would like to ask Senator Hayner to yield to a question. Senator Hayner, as you well know, there have been a numbers of items for us to consider to Sine Die tonight and certainly the budget is one of them. We also have before us, waiting to be read in and placed on the calendar--the Governor's Education Reform Bill. It passed the House of Representatives 83-7. If you can give us an indication that bill will be before us for a vote, we would then consider whether or not we should suspend, at this time, the twenty-four hour rule to bring up the budget.

Senator Hayner: "We will not consider that bill."

Further debate ensued.

#### MOTION

At 4:05 p.m., on motion of Senator Newhouse, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:47 p.m. by President Pritchard.



The President declared the question before the Senate to be the motion by Senator Newhouse that the twenty-four hour rule be suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 1330.

Further 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 motion by Senator Newhouse to suspend the twenty-four hour rule to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 1330.

### ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to suspend the twenty-four hour rule failed to receive the constitutional two-thirds majority by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Conner, Saling, Stratton - 3.

### MOTION

At 4:52 p.m., Senator Newhouse moved that the Senate adjourn until 11:40 a.m., Sunday, June 30, 1991.

Senator McMullen objected to the motion to adjourn until 11:40 a.m., Sunday, June 30, 1991.

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 motion by Senator Newhouse to adjourn until 11:40 a.m., Sunday, June 30, 1991.

### ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to adjourn until 11:40 a.m., Sunday, June 30, 1991, carried by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Conner, Saling, Stratton - 3.

At 4:53 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:40 a.m., Sunday, June 30, 1991.

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

## TWENTY-FIRST DAY

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## MORNING SESSION

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Senate Chamber, Olympia, Sunday, June 30, 1991

The Senate was called to order at 11:40 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Saling and Stratton. On motion of Senator Murray, Senator Stratton was excused. On motion of Senator Linda Smith, Senator Saling was excused.

The Sergeant at Arms Color Guard, consisting of members of the security staff, Bob Christensen and Chuck Aly, presented the Colors. President Pritchard offered the prayer.

## MOTION

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

## CONGRATULATIONS TO SENATOR AND MRS. SID SNYDER

The President offered congratulations to Senator and Mrs. Sid Snyder on their fortieth wedding anniversary being celebrated today.

## PERSONAL PRIVILEGE

Senator Anderson: "Mr. President, a point of personal privilege. It is also my anniversary today. My husband is out today, on our twelfth anniversary, doing dad duties at a horse show. I just wanted you to know, Sid, that we were married to two different people on the same day."

## CONGRATULATIONS TO SENATOR AND MRS. DEAN SUTHERLAND

Senator McCaslin offered congratulations to Senator and Mrs. Dean Sutherland who celebrated their eighteenth wedding anniversary yesterday, June 29.

## MOTION

At 11:57 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:39 p.m. by President Pritchard.

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

### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1991-8705

By Senators von Reichbauer, Owen, Hayner, Gaspard and Johnson

WHEREAS, The United States National Guard was established in 1636 and predates the founding of our Nation and the creation of the Federal Army by more than one hundred forty years; and

WHEREAS, The National Guard is a uniquely American institution -- there is no comparable military body in the world; and

WHEREAS, There are varying types of National Guard Units in all fifty states, territories and the District of Columbia, and

WHEREAS, The Guard has participated in every American conflict from the Pequot War of 1637 through Vietnam, Panama, Grenada and Libya, to Operations Desert Shield and Desert Storm in the Persian Gulf; and

WHEREAS, The National Guard offers a way "up and out of unhealthy environments" for many young Americans; and

WHEREAS, The National Guard has historically been a key component of our National defense, providing a trained and capable military force able to provide rapid augmentation and reinforcement in time of call or mobilization; and

WHEREAS, The mission of the National Guard is not only to help in the defense of our Nation, but also to provide life-saving emergency and relief services in times of crisis within our Nation's borders; and

WHEREAS, The Guard is providing an average of 2,000 personnel each day in support of local state and federal efforts to fight the war on illegal drugs; and

WHEREAS; The Army has proposed cutting the Guard end strength by 136,000 personnel in the next four years; and

WHEREAS, The actual cuts would reduce the Guard by a minimum of three combat divisions, a number of combat brigades and numerous combat support and combat service support units -- all of the type which helped the United States achieve speedy victory in Operation Desert Storm;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That we find the proposed reduction in the strength of the National Guard is not in the best interest of this Nation; and

BE IT FURTHER RESOLVED, That we believe the National Guard should retain a strength of 457,000 personnel at the end of Fiscal Year 1995; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Commander-in-Chief of the United States Army, President George Bush; the Secretary of Defense; the Secretary of the Army; The National Guard

Bureau in Washington, D.C. and Major General Gregory P. Barlow, Adjutant General of the Washington National Guard.

Senators von Reichbauer and Owen spoke to Senate Resolution 1991-8705.

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

### MESSAGE FROM THE HOUSE

June 28, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2240, 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

EHB 2240 by Representatives Peery, Brough, Holland, Vance, Ballard, Phillips, Winsley, Franklin, Spanel, Pruitt, May and Leonard

Enhancing student performance.

### MOTION

Senator Gaspard moved that the rules be suspended and Engrossed House Bill No. 2240 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

Senator Snyder 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 Gaspard to suspend the rules and place Engrossed House Bill No. 2240 on the second reading calendar.

### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators Saling, Stratton - 2.

Engrossed House Bill No. 2240 was referred to the Committee on Education.

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

REPORT OF CONFERENCE COMMITTEE

ESHB 1330

June 28, 1991

Includes "NEW ITEM": YES

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, 1991-93 biennium appropriations, have had the same under consideration and we recommend that:

(1) That the Senate Committee on Ways and Means amendments adopted on April 15, 1991, be rejected; and

(2) That the following Conference Committee amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

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

(a) "Fiscal year 1992" or "FY 1992" means the fiscal year ending June 30, 1992.

(b) "Fiscal year 1993" or "FY 1993" means the fiscal year ending June 30, 1993.

(c) "FTE" means full time equivalent.

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

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

"PART I

GENERAL GOVERNMENT"

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

General Fund Appropriation . . . . . \$ 53,992,000

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

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) Up to \$125,000 is provided for a study of comparable worth in state employee salaries. The study shall review the current implementation of comparable worth and evaluate compensation policy alternatives and other personnel practices as they relate to comparable worth.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation . . . . . \$ 41,071,000

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

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) \$10,000 is provided solely for expenses related to the meetings and conferences of the Pacific northwest economic region established under chapter 251, Laws of 1991 (Substitute Senate Bill No. 5008, Pacific northwest economic region).

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

General Fund Appropriation . . . . . \$ 2,384,000

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

General Fund Appropriation . . . . . \$ 2,858,000

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

Department of Retirement Systems Expense Fund

Appropriation . . . . . \$ 1,280,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

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

General Fund Appropriation . . . . . \$ 8,623,000

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

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

General Fund Appropriation . . . . . \$ 6,898,000

The appropriation in this section is subject to the following conditions and limitations: \$15,000 is provided solely for the expenses of the law revision commission under chapter 1.30 RCW.

**NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION**

General Fund Appropriation . . . . . \$ 888,000

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**

General Fund Appropriation . . . . . \$ 15,060,000

The appropriation in this section is subject to the following conditions and limitations: \$6,118,000 is provided solely for the indigent appeals program.

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**

General Fund Appropriation . . . . . \$ 3,189,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**

General Fund Appropriation . . . . . \$ 15,620,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation . . . . . \$ 955,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation . . . . .	\$	26,552,000
Public Safety and Education Account Appropriation . . . . .	\$	28,409,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>54,961,000</b>

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

(1) \$18,543,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education system account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$725,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$7,875,000 of the public safety and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation . . . . .	\$	7,773,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$207,000 is provided solely for two FTE staff to implement chapter 24, Laws of 1991 (Substitute House Bill No. 1800, office of international relations).

**NEW SECTION. Sec. 115. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation . . . . .	\$	286,000
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**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation . . . . .	\$	524,000
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**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation . . . . .	\$	1,884,000
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The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement a system to track gratuities received by elected officials and other persons required to report under state public disclosure laws.

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund Appropriation . . . . .	\$	8,618,000
Archives and Records Management Account Appropriation . . . . .	\$	3,612,000



Savings Recovery Account

Appropriation . . . . .	\$	569,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>12,799,000</b>

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

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,919,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation . . . . .	\$	318,000
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**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation . . . . .	\$	370,000
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**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

Motor Vehicle Account Appropriation . . . . .	\$	44,000
State Treasurer's Service Fund Appropriation . . . . .	\$	9,571,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>9,615,000</b>

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

General Fund Appropriation . . . . .	\$	615,000
Motor Vehicle Fund Appropriation . . . . .	\$	243,000
Municipal Revolving Fund Appropriation . . . . .	\$	19,319,000
Auditing Services Revolving Fund Appropriation . . . . .	\$	11,269,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>31,446,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the auditing services revolving fund appropriation is provided solely for the whistleblower program.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation . . . . .	\$	82,000
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**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation . . . . .	\$	6,264,000
General Fund--Federal Appropriation . . . . .	\$	1,589,000
Public Safety and Education Account Appropriation . . . . .	\$	1,736,000
Legal Services Revolving Fund Appropriation . . . . .	\$	90,555,000
Motor Vehicle Fund Appropriation . . . . .	\$	727,000

New Motor Vehicle Arbitration Account		
Appropriation . . . . .	\$	1,742,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>102,613,000</b>

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

(1) The attorney general shall report on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. A report covering fiscal year 1992 shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives by September 1, 1992.

(2) Beginning July 1, 1992, the attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing

period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

**NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation . . . . . \$ 868,000

**NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation . . . . . \$ 20,563,000

General Fund--Federal Appropriation . . . . . \$ 101,000

Savings Recovery Account Appropriation . . . . . \$ 1,932,000

Public Safety and Education Account  
Appropriation . . . . . \$ 290,000

Motor Vehicle Fund Appropriation . . . . . \$ 108,000

**TOTAL APPROPRIATION . . . . . \$ 22,994,000**

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

(1) Within the appropriations provided in this section, the office of financial management shall conduct a state-wide study on the status of minority- and women-owned businesses. The office shall report the findings of this study to the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate by December 1, 1991.

(2) \$1,500,000 of the general fund--state appropriation is provided solely for a commission on student learning. This amount includes funding for a director and staff for the commission, contracts with teachers, faculty, administrators, and other consultants or organizations to assist the work of the commission, and for other necessary activities.

(3) The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

(4) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department to personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

**NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Fund  
Appropriation . . . . . \$ 11,730,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL**  
Department of Personnel Service Fund

Appropriation . . . . . \$ 17,178,000

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

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$121,000 is provided solely for an executive search specialist in the department to be utilized by all state agencies.

(3) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency

under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

**NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

General Fund Appropriation . . . . . \$ 384,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

**NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY**  
 Lottery Administrative Account Appropriation . . . . . \$ 18,658,000

**NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation . . . . . \$ 401,000

**NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD**  
 Department of Personnel Service Fund

Appropriation . . . . . \$ 862,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Fund  
 Appropriation . . . . . \$ 27,791,000

The appropriation in this section is subject to the following conditions and limitations: \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

**NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD**  
 State Investment Board Expense Account

Appropriation . . . . . \$ 4,555,000

The appropriation in this section is subject to the following conditions and limitations: \$1,700,000 is provided solely for one-time expenditures incurred in exercising the board's fiduciary responsibilities associated with managing trust and retirement funds. The moneys provided in this subsection shall not be used to obligate the board to any on-going expenses, including equipment lease-purchase agreements, or the employment of permanent staff. The board shall report to the fiscal committees of the senate and house of representatives by January 15, 1992, on the use of the moneys provided in this subsection.

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation . . . . . \$ 91,543,000

Timber Tax Distribution Account Appropriation . . . . . \$ 4,241,000

State Toxics Control Account Appropriation . . . . . \$ 90,000

Solid Waste Management Account Appropriation . . . . . \$ 82,000

Pollution Liability Reinsurance Trust Account  
 Appropriation . . . . . \$ 226,000

Vehicle Tire Recycling Account Appropriation . . . . . \$ 122,000

Air Operating Permit Account Appropriation . . . . . \$ 42,000

Oil/Hazardous Substance Cleanup Account  
 Appropriation . . . . . \$ 27,000

**TOTAL APPROPRIATION . . . . . \$ 96,373,000**

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

(1) \$4,660,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management".

Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$668,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund--state appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

**NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation . . . . . \$ 1,572,000

**NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation . . . . . \$ 2,385,000

**NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION**

**COMMISSION**

General Fund Appropriation . . . . . \$ 49,000

**NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND**

**WOMEN'S BUSINESS ENTERPRISES**

General Fund Appropriation . . . . . \$ 2,319,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL**

**ADMINISTRATION**

General Fund--State Appropriation . . . . . \$ 5,119,000

General Fund--Federal Appropriation . . . . . \$ 1,649,000

General Fund--Private/Local Appropriation . . . . . \$ 274,000

Savings Recovery Account Appropriation . . . . . \$ 1,070,000

Risk Management Account Appropriation . . . . . \$ 1,192,000

Motor Transport Account Appropriation . . . . . \$ 8,568,000

Central Stores Revolving Account Appropriation . . . . . \$ 4,365,000

Air Pollution Control Account Appropriation . . . . . \$ 111,000

General Administration Facilities and Services

Revolving Fund Appropriation . . . . . \$ 19,592,000

**TOTAL APPROPRIATION . . . . . \$ 41,940,000**

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

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) \$2,850,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$4,365,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount \$555,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater,

and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund Appropriation . . . . .	\$	428,000
Data Processing Revolving Fund Appropriation . . . . .	\$	1,379,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,807,000</b>

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

(1) \$428,000 of the general fund appropriation is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium. Authority to spend this amount is conditioned on compliance with section 903 of this act.

(2) The department shall report to the appropriate committees of the legislature by January 15, 1992, on the state's information systems development, review, and approval process. The report shall include recommendations on the appropriate roles and responsibilities of individual agencies, the department of information services, and the office of financial management.

**NEW SECTION. Sec. 142. FOR THE PRESIDENTIAL ELECTORS**

General Fund Appropriation . . . . .	\$	1,000
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**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account		
Appropriation . . . . .	\$	15,432,000

The appropriation in this section is subject to the following conditions and limitations: The insurance commissioner shall employ a fiscal analyst to (1) review financial statements and other data to discern potential financial difficulties of insurance companies admitted to do business in this state; (2) monitor the financial condition of admitted companies on a priority basis; (3) coordinate information within the insurance commissioner's office that relates to solvency conditions; and (4) analyze the financial statements of foreign companies seeking admission in this state in order to expedite the admissions process.

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation . . . . .	\$	523,000
Certified Public Accountants' Account		
Appropriation . . . . .	\$	669,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,192,000</b>

**NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation . . . . .	\$	12,000
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**NEW SECTION. Sec. 146. FOR THE PROFESSIONAL ATHLETIC COMMISSION**

General Fund Appropriation . . . . .	\$	144,000
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**NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Fund Appropriation . . . . .	\$	4,865,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) \$91,000 of this appropriation is provided solely for additional coordinators for satellite betting sites. This amount may be expended only during the fiscal period ending June 30, 1992.

**NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Fund Appropriation . . . . .	\$	106,415,000
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The appropriation in this section is subject to the following conditions and limitations: \$2,847,000 is provided solely to implement Senate Bill No. 5560 (cigarette tax enforcement). If the bill is not enacted by July 31, 1991, the amount provided shall lapse.

**NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Fund Appropriation . . . . .	\$	29,189,000
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Grade Crossing Protective Fund Appropriation . . . . .	\$	320,000
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TOTAL APPROPRIATION . . . . .	\$	29,509,000
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The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the public service revolving fund appropriation is provided solely for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of compressed natural gas refueling stations for motor vehicles, pursuant to chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028).

**NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation . . . . .	\$	373,000
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**NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation . . . . .	\$	9,549,000
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General Fund--Federal Appropriation . . . . .	\$	7,582,000
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General Fund--Private/Local

Appropriation . . . . .	\$	180,000
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TOTAL APPROPRIATION . . . . .	\$	17,311,000
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The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

**NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation . . . . .	\$	2,176,000
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**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

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

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$6,200,000 is provided solely for funding the early childhood education and assistance program in the department of community development.

(c) \$4,901,000 of this amount is provided solely for block grants to communities for locally designated child care services. Distribution of this money shall take into account the number of infants and children up to age 13 and the incidence of poverty in each community.

(d) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(e) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(f) \$850,000 is provided solely as a fifty percent match of local funds to provide grants to child-care resource and referral programs that provide parents with information on child-care services; that provide parent-support services; that support child-care providers; that recruit licensed child-care providers, emphasizing areas with inadequate supply; that provide technical assistance to employers on employee child-care benefits; that provide information to state and local policymakers; and that collaborate with neighboring child-care providers to accurately describe demand in the area and coordinate efforts for the delivery of these services. If Substitute Senate Bill No. 5580 (child care referral) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(g) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(h) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(i) \$4,609,000 is provided solely to increase child care slots for low-income families.

(j) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation . . . . .	\$	277,041,000
General Fund--Federal Appropriation . . . . .	\$	174,174,000
Drug Enforcement and Education Account		
Appropriation . . . . .	\$	4,000,000
Public Safety and Education Account		
Appropriation . . . . .	\$	2,618,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>457,833,000</b>

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

(1) \$1,000,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) \$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

(2) \$5,902,000 of the general fund--state appropriation and \$1,081,000 of the general fund--federal appropriation are provided solely for vendor rate increases of five percent on January 1, 1992, and on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,350,000 of the general fund--state appropriation is provided solely for the continuation of the family violence pilot project and to initiate one new project at a cost of no more than \$350,000.

(4) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(5) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).



(6) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(7) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(8) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(9) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(10) The amounts in subsections (8) and (9) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(11) \$200,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(12) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(13) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

(14) The department shall not continue adoption support payments under RCW 74.13.109 beyond the age of eighteen years.

(15) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation . . . . .	\$	57,604,000
General Fund--Federal Appropriation . . . . .	\$	135,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	1,762,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>59,501,000</b>

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

(a) \$1,117,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of five percent on January 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other vendors.

(b) \$1,501,000 of the general fund--state appropriation is provided solely to expand option B community services to divert additional youth equivalent to fifty-nine beds in FY 1992 and seventy-two beds in FY 1993. Actual expenditures shall be proportionate to the annual beds saved within state institutions, up to the funding level provided.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation . . . . .	\$	54,370,000
General Fund--Federal Appropriation . . . . .	\$	949,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	940,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>56,259,000</b>

(3) PROGRAM SUPPORT

General Fund Appropriation . . . . .	\$	4,390,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	342,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>4,732,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation . . . . .	\$	235,715,000
General Fund--Federal Appropriation . . . . .	\$	110,751,000
General Fund--Local Appropriation . . . . .	\$	3,360,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>349,826,000</b>

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

(a) \$6,213,000 of the general fund--state appropriation and \$2,863,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(b) \$33,021,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$7,200,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$17,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management

information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$750,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation . . . . .	\$	237,703,000
General Fund--Federal Appropriation . . . . .	\$	13,604,000
TOTAL APPROPRIATION . . . . .	\$	251,307,000

(3) CIVIL COMMITMENT

General Fund--State Appropriation . . . . .	\$	4,908,000
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(4) SPECIAL PROJECTS

General Fund--State Appropriation . . . . .	\$	1,917,000
General Fund--Federal Appropriation . . . . .	\$	2,966,000
TOTAL APPROPRIATION . . . . .	\$	4,883,000

The appropriations in this subsection are subject to the following conditions and limitations: \$59,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation . . . . .	\$	6,197,000
General Fund--Federal Appropriation . . . . .	\$	1,887,000
TOTAL APPROPRIATION . . . . .	\$	8,084,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation . . . . .	\$	189,332,000
General Fund--Federal Appropriation . . . . .	\$	111,394,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>300,726,000</b>

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

(a) Community-based services shall be provided for at least two hundred fifty clients who during the 1991-93 biennium transfer from state residential habilitation centers to state or federally funded community placements. No more than one hundred twenty-five of these clients may be provided community-based residential services through the state-operated living alternative community residential program (SOLA). If fewer than one hundred twenty-five clients choose the (SOLA) program, any savings shall be applied to the stabilization of existing community-based vocational programs for the developmentally disabled.

(b) The department shall continue to use King county for the administration of community-based residential services.

(c) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(d) \$706,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(e) \$3,150,000 of the general fund--state appropriation and \$3,698,000 of the general fund--federal appropriation are provided solely for community-based services for developmentally disabled persons who have transferred from Western State Hospital or Eastern State Hospital to the community or who in the judgment of the secretary are at risk of being committed to either hospital.

(f) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

(g) \$7,200,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for additional clients in the state-operated living alternative community residential program (SOLA) who previously resided in residential habilitation centers. Any of these amounts used for employment or day programs shall be used to contract with private community providers.

(h) \$5,900,000 of the general fund--state appropriation and \$5,900,000 of the general fund--federal appropriation are provided solely for additional clients in privately operated community residential programs who previously resided in residential habilitation centers.

(i) \$1,800,000 of the general fund--state appropriation and \$600,000 of the general fund--federal appropriation are provided solely for costs related to additional case management.

(j) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(k) \$1,924,000 of the general fund--state appropriation and \$1,465,000 of the general fund--federal appropriation are provided solely for community-based residential services for seventy clients transferred from Fircrest School to the community.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation . . . . .	\$	115,404,000
General Fund--Federal Appropriation . . . . .	\$	143,511,000

TOTAL APPROPRIATION . . . . . \$ 258,915,000

(a) \$6,100,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for costs related to temporary staff at residential habilitation centers.

(b) \$400,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(c) \$8,500,000 of the general fund--state appropriation is provided solely for persons who risk causing the loss of federal financial participation, or to the extent this amount is not necessary for that purpose and after approval by the office of financial management, for the stabilization of existing community programs, the expansion of community-based residential programs, and programs designed to keep clients in their own or a relative's home.

(3) PROGRAM SUPPORT

General Fund--State Appropriation . . . . .	\$	5,638,000
General Fund--Federal Appropriation . . . . .	\$	1,094,000
TOTAL APPROPRIATION . . . . .	\$	6,732,000

The appropriations in this section are subject to the following conditions and limitations: \$1,040,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--PROGRAM SUPPORT**

The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for a contract with the center for disability policy and research of the University of Washington in the biennium ending June 30, 1993, for a suggested plan describing a ten-year schedule for the operation of state-funded services for the developmentally disabled. The plan shall set priorities for the use of existing resources; include contingency plans for reduced, stable, and increased funding levels; include a strategy of operating residential habilitation centers, state-operated living alternatives, and community services; propose ways to use savings to serve unserved clients in the community; propose ways to maximize federal funds for the provision of community services; and evaluate the impact on clients moved from residential habilitation centers to community-based residences. In addition, the plan must address the mix of state and privately operated services and the stabilization of community services. In developing the plan, the center shall coordinate and cooperate with the department and the department shall provide such assistance to the center as may be necessary. In the planning process, the center shall consult with and report to the appropriate legislative committees.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--INTERLAKE SCHOOL**

The sum of \$26,270,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services to operate, without the support of federal funds under the ICF/MR program pursuant to Title XIX of the federal social security act, the Interlake school during the 1991-93 fiscal biennium. This action will result in the withdrawal of the Interlake school from the federal ICF/MR program. The division of

developmental disabilities shall convene an advisory committee of treatment professionals and parents or guardians of the residents of the Interlake school to ensure high-quality care for these residents after withdrawal from the federal program.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY SERVICES EXPANSION**

The sum of \$17,000,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for the community services program to expand community-based services during the 1991-93 fiscal biennium. Of this appropriation:

(1) \$6,700,000 of the general fund appropriation is provided solely for expansion of employment programs for persons who have completed a high school curriculum within the previous two years.

(2) \$5,400,000 of the general fund appropriation is provided solely for employment programs for those persons who complete a high school curriculum during the 1991-93 biennium.

(3) \$4,200,000 of the general fund appropriation is provided solely to expand the family support services program.

(4) \$700,000 of the general fund appropriation is provided solely to add new cases to the early intervention services program.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY VENDOR RATES**

The sums of \$10,834,000 from the general fund--state appropriation and \$5,480,000 from the general fund--federal appropriation, or so much thereof as may be necessary, are provided for vendor rate increases of six percent on January 1, 1992, and on January 1, 1993, to be used only for increases to vendors currently providing services and not for program expansion, to the department of social and health services, developmental disabilities program for the biennium ending June 30, 1993.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES**

General Fund--State Appropriation . . . . .	\$	565,033,000
General Fund--Federal Appropriation . . . . .	\$	665,949,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,230,982,000</b>

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,686,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 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 programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$5,276,000 of the general fund--state appropriation and \$3,171,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPES workers (agency

and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM**

General Fund--State Appropriation . . . . .	\$	601,519,000
General Fund--Federal Appropriation . . . . .	\$	655,543,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,257,062,000</b>

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

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) \$1,100,000 of the general fund--state appropriation and \$1,173,000 of the general fund--federal appropriation are provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(3) \$21,404,000 of the general fund--state appropriation and \$25,887,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation . . . . .	\$	45,437,000
General Fund--Federal Appropriation . . . . .	\$	41,691,000

## Drug Enforcement and Education Account

State Appropriation . . . . .	\$	38,236,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>125,364,000</b>

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

(1) \$3,242,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$200,000 of the general fund--state appropriation is provided solely to add adult intensive inpatient treatment beds. The beds shall be procured from a nonprofit provider in Pierce county with existing capacity currently under contract with the department.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation . . . . .	\$	968,684,000
General Fund--Federal Appropriation . . . . .	\$	1,058,273,000
General Fund--Local Appropriation . . . . .	\$	12,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>2,038,957,000</b>

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

(1) \$10,853,000 of the general fund--state appropriation and \$11,832,000 of the general fund--federal appropriation is provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(2) \$2,262,000 of the general fund--state appropriation and \$2,763,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) 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.



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

(8) \$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.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) The department shall, no later than January 1, 1992:

(a) Develop and effect medical assistance procedural codes and payments schedules for the following diabetic services to be provided to eligible persons in her or his home:

- (i) Home blood monitoring;
- (ii) Insulation;
- (iii) Intensive insulin therapy; and
- (iv) Related foot care.

(b) Reimbursement for such services may be limited to registered nurses who are certified in diabetes education and physicians who are board certified in endocrinology or diabetology.

(12) Within appropriated funds, the department shall increase total payments to managed care providers to reduce the gap between each provider's rate and the amount that providers would have received if rates were set at the state-wide fee-for-service equivalent. The department shall reduce the gap in a uniform manner. These increased payments shall be made in the form of signing bonuses.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation . . . . .	\$	16,601,000
General Fund--Federal Appropriation . . . . .	\$	56,973,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>73,574,000</b>

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

(1) \$91,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation . . . . .	\$	53,529,000
General Fund--Federal Appropriation . . . . .	\$	37,706,000
Industrial Insurance Premium Refund Account Appropriation . . . . .	\$	80,000

TOTAL APPROPRIATION . . . . . \$ 91,315,000

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

(1) \$400,000 of the general fund--state appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(1).

(2) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

(3) \$6,500,000 of the general fund--state appropriation may be expended for the implementation of the automated client eligibility system (ACES) only after:

(a) The ACES advanced planning document for implementation is approved by the federal government;

(b) The ACES request for proposals for implementation is completed;

(c) The department complies with section 902 of this act; and

(d) The March 28, 1991, recommendations of the information services board are implemented.

If expenditures are made during fiscal year 1992 in compliance with this subsection, it is the intent of the legislature to appropriate to the department an equivalent sum in the 1992 supplemental appropriations act as replacement of the sums expended under this subsection.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund--State Appropriation . . . . .	\$	221,996,000
General Fund--Federal Appropriation . . . . .	\$	267,315,000
TOTAL APPROPRIATION . . . . .	\$	489,311,000

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

(1) \$266,000 of the general fund--state appropriation and \$50,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.

(3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

(4) \$266,000 of the general fund--state appropriation and \$492,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(5) \$435,000 is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(6) Twenty percent of the local office staffing added for increased caseload shall be deployed to expand evening and/or weekend service hours. The department shall attempt to make these expanded hours consistent from week to week at any given site. The department shall inform recipients of the availability of expanded hours to assist them in the transition from public assistance to work. The department shall try to

schedule appointments for recipients who work during these expanded hours. The department, to the extent practicable, shall provide these expanded hours through flexible employee work hours and other methods that do not require overtime.

(7) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

(8) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

(9) \$636,600 of the general fund--state appropriation and \$1,181,400 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(10) \$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 institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(11) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.

(12) \$442,000 of the general fund--state appropriation and \$1,214,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid to families with dependent children, the family independence program, general assistance--special, supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(13) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM**

General Fund--State Appropriation . . . . .	\$	43,979,000
General Fund--Federal Appropriation . . . . .	\$	90,407,000
General Fund--Local Appropriation . . . . .	\$	280,000
Public Safety and Education Account Appropriation . . . . .	\$	5,100,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>139,766,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$5,100,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation . . . . .	\$	33,062,000
General Fund--Federal Appropriation . . . . .	\$	11,516,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>44,578,000</b>

**NEW SECTION. Sec. 219. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY**

State Health Care Authority Administrative Account		
Appropriation . . . . .	\$	9,357,000
General Fund Appropriation . . . . .	\$	366,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>9,723,000</b>

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

(1) \$2,261,000 of the state health care authority administrative account appropriation is provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies. The departments of social and health services, veteran's affairs, health, corrections, and other state agencies that purchase or oversee health care services shall work cooperatively with the health care authority to implement the study's recommendations.

(2) The state employees' benefits board shall consider developing and offering to employees a health care benefit plan that minimizes the impact of deductibles, copayments, or coinsurance on lower-paid employees by using a sliding scale or a means test for out-of-pocket expenses.

(3) The general fund appropriation is provided solely for the operations of the health care commission.

(4) The health care authority shall conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study shall include, but not be limited to:

(a) Collection of information regarding the cost to both employers and retired or disabled employees of health care coverage, the level of employer subsidization of retiree health care premiums, and the types and prevalence of use of coverage available through employers;

(b) Evaluation of the feasibility and cost of allowing retired and disabled public employees to continue coverage under plans offered through their employers at a reasonable cost to the employees;

(c) Evaluation of the feasibility and cost of allowing retired and disabled public employees to participate in plans offered by the state employees' benefits board even if the employees did not participate in such plans while active; and

(d) Development of mechanisms to prefund health care coverage for retired and disabled employees.

The health care authority may form technical advisory committees with representatives from active and retired employee groups, employers, the legislature, the executive branch, and the private sector to assist with the study. The health care authority shall submit its findings and recommendations to the governor and the legislature by December 1, 1991.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund--State Appropriation . . . . .	\$	102,767,000
General Fund--Federal Appropriation . . . . .	\$	153,195,000
General Fund--Private/Local Appropriation . . . . .	\$	1,370,000
Public Safety and Education Account		
Appropriation . . . . .	\$	5,532,000
Building Code Council Account Appropriation . . . . .	\$	924,000
Public Works Assistance Account Appropriation . . . . .	\$	1,022,000
Fire Service Training Account Appropriation . . . . .	\$	803,000
State Toxics Control Account Appropriation . . . . .	\$	556,000
Drug Enforcement and Education Account		
Appropriation . . . . .	\$	4,188,000
Low Income Weatherization Account Appropriation . . . . .	\$	2,563,000
Washington Housing Trust Fund Appropriation . . . . .	\$	13,500,000
Oil Spill Administration Account Appropriation . . . . .	\$	395,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>286,815,000</b>

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

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) \$750,000 of the general fund--state appropriation is provided solely for mortgage assistance in timber-dependent communities as authorized in sections 23 through 27, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance).

(4) \$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. The grants authorized in this subsection shall be made to individual arts organizations. No portion of this amount may be expended for a grant without equal matching funds from nonstate sources. No organization may receive a grant without a written contract. No money may be paid under the contract unless the grantee has operated without a deficit during the contract period, which shall be for at least one year, beginning no earlier than July 1, 1991.

(5) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(6) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(8) \$300,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(9) \$300,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(10) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(11) \$14,539,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(12) \$7,739,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1025 (growth management). If this bill is not enacted by July 31, 1991, \$5,239,000 of the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$4,250,000 is provided solely for planning grants to local governments additional to those provided for under subsection (11) of this section;

(b) \$1,000,000 is provided solely to conduct environmental planning pilot projects; and

(c) \$975,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of \$1,950,000 of the amount provided in this subsection (12) may be used for this purpose.

(13) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

(14) \$500,000 of the general fund--state appropriation is provided solely for fire protection contracts. The department shall award contracts for cities and towns where state-owned facilities constitute fifteen percent of the total valuation of property within the jurisdiction, and where the city or town does not have an existing agreement with a state agency for fire protection reimbursement.

(15) \$1,080,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

(16) \$300,000 of the public safety and education account appropriation is provided solely for legal advocacy services to victims of sexual assault under chapter 267, Laws of 1991 (Engrossed Substitute House Bill No. 1534, sexual assault investigation).

(17) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(18) \$75,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system.

(19) \$340,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

(20) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(21) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

(22) \$250,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

(a) Acting as a clearinghouse for and providing information and referral services;  
 (b) Providing management training courses designed for nonprofit managers, staff, and boards;

(c) Providing direct assistance to individual organizations;

(d) Assisting organizations in soliciting and managing volunteers; and

(e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(24) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(25) \$50,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

(26) The department shall not reduce grants or contracts in assistance of units of government without prior notification to the appropriate legislative committees.

(27) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

**NEW SECTION. Sec. 221. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation . . . . .	\$	4,292,000
General Fund--Federal Appropriation . . . . .	\$	942,000
General Fund--Private/Local Appropriation . . . . .	\$	520,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>5,754,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

**NEW SECTION. Sec. 222. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education Account		
Appropriation . . . . .	\$	110,000
Worker and Community Right-to-Know Account		
Appropriation . . . . .	\$	20,000
Accident Fund Appropriation . . . . .	\$	8,373,000
Medical Aid Fund Appropriation . . . . .	\$	8,373,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>16,876,000</b>

**NEW SECTION. Sec. 223. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund Appropriation . . . . .	\$	66,000
Death Investigations Account Appropriation . . . . .	\$	36,000
Public Safety and Education Account Appropriation . . . . .	\$	12,016,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	370,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>12,488,000</b>

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

(1) \$33,000 of the general fund appropriation is provided solely to implement chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, private detectives licensing).

(2) \$33,000 of the general fund appropriation is provided solely to implement chapter 334, Laws of 1991 (Second Substitute Senate Bill No. 5124, security guards licensing).

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation . . . . .	\$	10,708,000
Public Safety and Education Account State Appropriation . . . . .	\$	21,226,000
Public Safety and Education Account Federal Appropriation . . . . .	\$	4,480,000
Accident Fund Appropriation . . . . .	\$	131,416,000
Electrical License Fund Appropriation . . . . .	\$	15,230,000
Farm Labor Revolving Account Appropriation . . . . .	\$	30,000
Medical Aid Fund Appropriation . . . . .	\$	148,883,000
Plumbing Certificate Fund Appropriation . . . . .	\$	649,000
Pressure Systems Safety Fund Appropriation . . . . .	\$	1,898,000
Worker and Community Right-to-Know Fund Appropriation . . . . .	\$	2,112,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>336,632,000</b>

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

(1) \$8,970,229 from the accident fund appropriation; \$7,265,063 from the medical aid fund appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these moneys is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, safety and health information management system, and local area network/wide area network data communications.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement Substitute Senate Bill No. 5374 (labor/management cooperative program).

(3) \$2,466,500 from the accident fund appropriation and \$2,466,500 from the medical aid fund appropriation is provided solely to increase the claims management staffing levels.



(4) \$263,500 from the accident fund appropriation and \$263,500 from the medical aid fund appropriation are provided solely to increase the staffing levels of the asbestos-related disease claims filed with the department.

(5) \$1,920,150 from the accident fund appropriation and \$338,850 from the medical aid fund appropriation are provided solely to increase staffing levels for work environment improvement safety and health package.

(6) \$70,000 from the accident fund appropriation and \$70,000 from the medical aid fund appropriation are provided solely to add one additional staff to establish a return-to-work program for all state agencies and institutions of higher education.

(7) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers.

**NEW SECTION. Sec. 225. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation . . . . .	\$	3,247,000
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**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund--State Appropriation . . . . .	\$	21,839,000
General Fund--Federal Appropriation . . . . .	\$	6,708,000
General Fund--Local Appropriation . . . . .	\$	10,429,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>38,976,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation . . . . .	\$	132,613,000
General Fund--Federal Appropriation . . . . .	\$	109,011,000
General Fund--Local Appropriation . . . . .	\$	16,100,000
Hospital Commission Account Appropriation . . . . .	\$	2,919,000
Medical Disciplinary Account Appropriation. . . . .	\$	1,677,000
Health Professions Account Appropriation . . . . .	\$	25,237,000
Public Safety and Education Account Appropriation . . . . .	\$	90,000
State Toxics Control Account Appropriation. . . . .	\$	3,321,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	492,000
Medical Test Site Licensure Account Appropriation . . . . .	\$	489,000
Safe Drinking Water Account Appropriation. . . . .	\$	710,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>292,659,000</b>

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

(1) \$3,312,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$5,000,000 of the general fund--state appropriation is provided solely for enhancement of the women, infants, and children nutritional program pursuant to section 101, chapter 366, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger/nutritional problems).

(4) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(5) \$1,000,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

(6) \$2,410,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

(7) \$2,400,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

(8) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(9) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(10) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(11) \$1,000,000 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) COMMUNITY CORRECTIONS**

General Fund Appropriation . . . . .	\$	106,548,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	7,604,000
Public Safety and Education Account Appropriation . . . . .	\$	200,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>114,352,000</b>

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

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

**(2) INSTITUTIONAL SERVICES**

General Fund Appropriation . . . . .	\$	358,209,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	25,837,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>384,046,000</b>

**(3) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation . . . . .	\$	37,651,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	2,140,000
Industrial Insurance Premium Refund Account Appropriation . . . . .	\$	72,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>39,863,000</b>

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

(a) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation . . . . .	\$	3,526,000
<b>NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND</b>		
General Fund--State Appropriation . . . . .	\$	2,957,000
General Fund--Federal Appropriation . . . . .	\$	7,969,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>10,926,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$47,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

**NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation . . . . .	\$	45,768,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91, pursuant to section 22, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance).

(3) Plan enrollment may exceed 24,000 by up to 1,300, beginning January 1, 1993, if coordination of benefits with medicaid is in place and will result in savings of at least \$4,500,000 from the state general fund by June 30, 1993. Before expanding enrollment, the plan shall report to the fiscal committees of the house of representatives and senate on the anticipated savings level.

(4) A maximum of \$4,151,000 of the general fund appropriation may be expended for administration of the plan.

**NEW SECTION. Sec. 231. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation . . . . .	\$	628,000
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**NEW SECTION. Sec. 232. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation . . . . .	\$	32,000
General Fund--Federal Appropriation . . . . .	\$	133,302,000
General Fund--Local Appropriation . . . . .	\$	9,329,000
Administrative Contingency Fund--Federal Appropriation . . . . .	\$	11,808,000
Unemployment Compensation Administration Fund Federal Appropriation . . . . .	\$	130,803,000
Employment Service Administration Account Federal Appropriation . . . . .	\$	9,837,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>295,111,000</b>

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

(1) \$1,278,000 of the unemployment compensation administration fund--federal appropriation is provided solely to implement sections 3, 4, 5 and 9 of chapter 315,

Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits.

(2) \$70,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(3) \$240,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(4) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of trade and economic development for administrative costs of the child care facility fund to implement chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(5) \$600,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities. Any agreement for the use of a portion of the moneys provided in this subsection shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the nonprofit organization at the end of the biennium to ensure that the organization has secured the required matching fund.

(6) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(7) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(8) \$2,322,000 of the administrative contingency administration fund--federal appropriation is provided solely for the corrections clearinghouse coordinator, corrections clearinghouse ex-offender program, and the corrections clearinghouse career awareness program.

(9) \$2,650,000 of the administrative contingency administration fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$287,000 of the administrative contingency administration fund--federal appropriation is provided solely for the resource center for the handicapped.

(11) The appropriations in this section from the administrative contingency fund--federal appropriation are based on a fund revenue forecast of \$12,112,000 for the 1991-93 biennium, including the 1989-91 ending fund balance. In order to maintain the programs funded by the administrative contingency fund and to provide the legislature the opportunity to appropriate supplemental moneys in the case of a shortfall in revenue to the fund, the department shall not reduce expenditures for the programs identified in subsections (2) through (10) of this section from the administrative contingency fund pursuant to RCW 43.88.110 until fiscal year 1993.

(12) From federal funds received by the department for the purpose of assisting displaced timber workers, the department shall make funds available to implement a pilot program for dislocated timber worker training as provided in section 16 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance). The program shall be developed with the Skagit Valley community college to provide training opportunities for dislocated workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department shall consult with

the departments of natural resources, ecology, wildlife, fisheries, and the state parks and recreation commission in developing the program.

**"PART III  
NATURAL RESOURCES"**

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

General Fund--State Appropriation . . . . .	\$	2,359,000
General Fund--Federal Appropriation . . . . .	\$	20,433,000
General Fund--Private/Local Appropriation . . . . .	\$	5,640,000
Geothermal Account--Federal Appropriation . . . . .	\$	40,000
Building Code Council Account Appropriation . . . . .	\$	86,000
Air Pollution Control Account Appropriation . . . . .	\$	6,830,000
Energy Code Training Account Appropriation . . . . .	\$	121,000
Energy Efficiency Services Account Appropriation . . . . .	\$	1,008,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>36,517,000</b>

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

(1) \$43,000 of the general fund--state appropriation is provided solely to maintain the database for the state hydropower plan.

(2) \$292,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement chapter 201, Laws of 1991 (Engrossed Substitute Senate Bill No. 5245, energy policy development).

(3) The entire air pollution control account appropriation is provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control) and chapter 202, Laws of 1991 (Second Substitute House Bill No. 1671, growth strategies and transportation planning). It is the intent of the legislature that revenue generated from fees established by chapter 199, Laws of 1991 may be used for purposes of implementing chapter 202, Laws of 1991.

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation . . . . .	\$	537,000
General Fund--Private/Local Appropriation . . . . .	\$	516,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,053,000</b>

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation . . . . .	\$	65,589,000
General Fund--Federal Appropriation . . . . .	\$	38,234,000
General Fund--Private/Local Appropriation . . . . .	\$	1,015,000
Flood Control Assistance Account Appropriation . . . . .	\$	3,999,000
Special Grass Seed Burning Research Account Appropriation . . . . .	\$	132,000
Reclamation Revolving Account Appropriation . . . . .	\$	513,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. . . . .	\$	300,000
Litter Control Account Appropriation . . . . .	\$	7,674,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) . . . . .	\$	2,547,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39) . . . . .	\$	908,000
State and Local Improvements Revolving Account--		

Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s.(Referendum 38) . . . .	\$	1,298,000
Stream Gaging Basic Data Fund Appropriation . . . . .	\$	302,000
Vehicle Tire Recycling Account Appropriation . . . . .	\$	7,820,000
Water Quality Account Appropriation . . . . .	\$	3,461,000
Wood Stove Education Account Appropriation . . . . .	\$	1,380,000
Worker and Community Right-to-Know Fund Appropriation . . . . .	\$	393,000
State Toxics Control Account--State Appropriation . . . . .	\$	48,128,000
State Toxics Control Account--Federal Appropriation . . . . .	\$	7,527,000
Local Toxics Control Account Appropriation . . . . .	\$	3,220,000
Water Quality Permit Account Appropriation . . . . .	\$	14,532,000
Solid Waste Management Account Appropriation . . . . .	\$	7,918,000
Underground Storage Tank Account Appropriation . . . . .	\$	3,862,000
Hazardous Waste Assistance Account Appropriation . . . . .	\$	5,543,000
Air Pollution Control Account Appropriation . . . . .	\$	7,955,000
Aquatic Lands Enhancement Account Appropriation . . . . .	\$	50,000
Oil Spill Response Account Appropriation . . . . .	\$	2,863,000
Oil Spill Administration Account Appropriation . . . . .	\$	3,104,000
Fresh Water Aquatic Weed Control Account Appropriation . . . . .	\$	895,000
Air Operating Permit Account Appropriation . . . . .	\$	2,511,000
TOTAL APPROPRIATION . . . . .	\$	243,673,000

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

(1) \$9,462,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$5,640,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$491,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) \$6,000,000 of the state toxics control account appropriation is provided solely for the following 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 cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$100,000 of the general fund--state appropriation is provided solely as state matching funds for the Columbia basin irrigation project.

(11) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

(12) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(13) \$30,000 of the general fund--state appropriation is provided solely for the department's participation in the Pacific Ocean resources management compact.

(14) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(15) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(16) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(17) The department shall provide \$450,000 to the department of wildlife from the coastal protection fund for wildlife rehabilitative services.

**NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Trust Program . . . . . \$ 878,000

**NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation . . . . . \$ 38,450,000

General Fund--Federal Appropriation . . . . . \$ 1,683,000

General Fund--Private/Local Appropriation . . . . . \$ 1,043,000

Trust Land Purchase Account Appropriation . . . . .	\$	14,935,000
Winter Recreation Program Account Appropriation . . . . .	\$	832,000
ORV (Off-Road Vehicle) Account Appropriation . . . . .	\$	225,000
Snowmobile Account Appropriation . . . . .	\$	1,283,000
Millersylvania State Park--Private/Local Appropriation . . . . .	\$	9,000
Public Safety and Education Account Appropriation . . . . .	\$	50,000
Motor Vehicle Fund Appropriation . . . . .	\$	1,112,000
Oil Spill Administration Account Appropriation . . . . .	\$	61,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>59,683,000</b>

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

(1) The commission shall conduct a review of fees charged to park users. The commission's review shall: (a) Examine current park use, including use by campers, day users, boaters, recreational vehicle operators, and other users of park facilities; (b) examine the extent to which user groups pay park fees to support their use of park facilities; and (c) propose alternatives to the current structure of park fees that equitably distribute the cost of operating state parks among the various user groups. The commission shall submit the results of the review to the office of financial management and the appropriate committees of the legislature by January 1, 1992.

(2) \$65,000 of the trust land purchase account appropriation is provided solely for preparation of a conceptual plan for future alpine skiing facilities and service levels at Mount Spokane State Park. In preparing the plan, the commission shall: (a) Reevaluate the goals and objectives of the alpine ski area; (b) examine current functions of the alpine ski area including lodge use, ski patrol operations, food and beverage services, equipment rentals, grooming of slopes, selection and maintenance of ski runs, and customer service and public relations; (c) determine how to provide reasonable opportunities for the use of the alpine ski area for all members of the skiing public; and (d) propose alternatives to the current management approach. The commission shall submit the plan to the office of financial management and the appropriate committees of the legislature by August 1, 1992.

(3) \$120,000 of the trust land purchase account appropriation is provided solely for the scenic rivers program.

(4) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by November and December, 1990, and January, 1991, storms.

(5) \$294,000 of the general fund state appropriation is provided solely to implement the Puget Sound water quality management plan.

(6) The entire trust land purchase account appropriation is provided solely for costs associated with the administration, maintenance, and operation of state parks and other state parks programs.

(7) \$61,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

**NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Outdoor Recreation Account--State Appropriation . . . . .	\$	2,172,000
Outdoor Recreation Account--Federal Appropriation . . . . .	\$	32,000
Firearms Range Account Appropriation . . . . .	\$	44,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>2,248,000</b>

**NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation . . . . .	\$	1,180,000
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The appropriation in this section is subject to the following conditions and limitations: \$80,000 is provided solely for an additional administrative law judge.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation . . . . .	\$	33,708,000
Motor Vehicle Fund Appropriation. . . . .	\$	564,000
Solid Waste Management Account Appropriation. . . . .	\$	1,000,000
Litter Control Account Appropriation . . . . .	\$	1,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>36,272,000</b>

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$200,000 of the general fund appropriation is provided solely for the Washington Research Foundation.

(3) \$1,000,000 of the litter control account appropriation and \$1,000,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the fiscal year ending June 30, 1992.

(4) \$2,000,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(5) \$1,000,000 of the general fund--state appropriation is provided solely for business contracts authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The amount provided in this subsection shall be placed in reserve and not expended prior to the report required under subsection (4) of this section.

(6) \$1,000,000 of the general fund appropriation is provided solely for program coordination of the department's timber assistance efforts, as authorized in sections 3, 4, 6, and 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$1,200,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(8) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(9) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.

(10) The department shall not reduce grants or contracts in assistance of units of government without first notifying the appropriate legislative committees.

(11) \$100,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(12) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for grants to associate development organizations (ADOs).

<b>NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION</b>	
General Fund Appropriation . . . . .	\$ 2,189,000
Water Quality Account Appropriation . . . . .	\$ 192,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ 2,381,000</b>

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

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$385,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$650,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

**NEW SECTION. Sec. 310. FOR THE WINTER RECREATION COMMISSION**

General Fund Appropriation . . . . .	\$ 20,000
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**NEW SECTION. Sec. 311. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund--State Appropriation . . . . .	\$ 3,679,000
General Fund--Federal Appropriation . . . . .	\$ 202,000
Water Quality Account Appropriation . . . . .	\$ 1,100,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ 4,981,000</b>

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

(1) \$330,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$240,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$812,000 of the general fund--state appropriation is provided solely to implement other provisions of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF FISHERIES**

General Fund--State Appropriation . . . . .	\$ 61,034,000
General Fund--Federal Appropriation . . . . .	\$ 17,901,000
General Fund--Private/Local Appropriation . . . . .	\$ 8,301,000
Aquatic Lands Enhancement Account Appropriation . . . . .	\$ 1,092,000
Oil Spill Administration Account Appropriation . . . . .	\$ 410,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ 88,738,000</b>

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

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,180,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$785,000 of the general fund--state appropriation is provided solely for increased coho salmon production through pen-rearing, delay release methods.

(5) \$950,000 of the general fund--state appropriation is provided solely for attorney general cost, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.

(6) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

**NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF WILDLIFE.**

General Fund Appropriation . . . . .	\$	11,497,000
ORV (Off-Road Vehicle) Account Appropriation . . . . .	\$	275,000
Aquatic Lands Enhancement Account Appropriation . . . . .	\$	1,096,000
Public Safety and Education Account Appropriation . . . . .	\$	589,000
Wildlife Fund--State Appropriation . . . . .	\$	50,002,000
Wildlife Fund--Federal Appropriation . . . . .	\$	16,308,000
Wildlife Fund--Private/Local Appropriation . . . . .	\$	2,120,000
Game Special Wildlife Account Appropriation . . . . .	\$	532,000
Oil Spill Administration Account Appropriation . . . . .	\$	565,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>82,984,000</b>

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

(1) \$514,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(7) The department shall expend \$450,000 from the coastal protection fund for a marine mammal and bird rehabilitation center, of which \$400,000 is for one-time capital costs and \$50,000 is for biennial contract staffing costs for the center.

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation . . . . .	\$	58,010,000
General Fund--Federal Appropriation . . . . .	\$	604,000
General Fund--Private/Local Appropriation. . . . .	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation. . . . .	\$	4,521,000
Forest Development Account Appropriation . . . . .	\$	30,155,000
Survey and Maps Account Appropriation. . . . .	\$	1,074,000
Natural Resources Conservation Area Stewardship Account Appropriation. . . . .	\$	1,080,000
Aquatic Lands Enhancement Account Appropriation. . . . .	\$	1,491,000
Resource Management Cost Account Appropriation . . . . .	\$	79,780,000
Aquatic Land Dredged Material Disposal Site Account Appropriation. . . . .	\$	814,000
State Toxics Control Account Appropriation. . . . .	\$	764,000
Air Pollution Control Account Appropriation . . . . .	\$	430,000
Oil Spill Administration Account Appropriation . . . . .	\$	128,000
Litter Control Account Appropriation . . . . .	\$	500,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>179,363,000</b>

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

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$5,185,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,909,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,840,000 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.

(6) \$1,683,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs

before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$3,400,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,500,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$760,000 to the department of fisheries, \$660,000 to the department of wildlife, and \$480,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$429,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. No portion of the amount provided in this subsection may be expended without equal matching funds from nonstate sources for the same purpose.

(13) \$1,700,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund State Appropriation . . . . .	\$ 19,680,000
General Fund Federal Appropriation . . . . .	\$ 1,226,000
State Toxics Control Account Appropriation . . . . .	\$ 1,109,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ 22,015,000</b>

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

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$872,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount \$524,000 is provided solely for noxious weed control grants.

(4) The appropriations in this section are based on an assumption that the IMPACT program will establish fees pursuant to RCW 28B.30.541.

(5) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(6) \$172,000 of the general fund--state appropriation is provided solely to maintain the existing Yakima livestock marketing news office.

**NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER**

**State Convention/Trade Center Account**

Appropriation	\$	21,490,000
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The appropriation in this section is subject to the following conditions and limitations: \$4,786,000 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 the amount provided in this section, the center shall not expend more than is received from revenue generated by the special excise tax 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.

**NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY**

Oil Spill Administration Account Appropriation	\$	3,162,000
State Toxics Control Account Appropriation	\$	372,000
<b>TOTAL APPROPRIATION</b>	<b>\$</b>	<b>3,534,000</b>

**"PART IV  
TRANSPORTATION"**

**NEW SECTION. Sec. 401. FOR THE STATE PATROL**

General Fund--State Appropriation	\$	24,089,000
General Fund--Federal Appropriation	\$	220,000
General Fund--Private/Local Appropriation	\$	169,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account Appropriation	\$	1,960,000
<b>TOTAL APPROPRIATION</b>	<b>\$</b>	<b>26,462,000</b>

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

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

(2) \$194,900 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1991 conference.

(3) \$151,000 of the general fund--state appropriation is provided solely for reimbursement to local law enforcement agencies for the cost of registering sex offenders.

(4) \$320,000 of the general fund--state appropriation is provided for aircraft lease costs.

(5) \$271,000 of the general fund--state appropriation is provided for vehicle license fraud investigation.

(6) \$150,000 of the general fund--state appropriation is provided for special services.

(7) \$60,000 of the general fund--state appropriation is provided solely to implement chapter 274, Laws of 1991 (Substitute House Bill 1997, sex offender registration).

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

General Fund Appropriation . . . . .	\$	21,240,000
Architects' License Account Appropriation. . . . .	\$	861,000
Cemetery Account Appropriation . . . . .	\$	203,000
Health Professions Account Appropriation . . . . .	\$	506,000
Professional Engineers' Account Appropriation . . . . .	\$	2,096,000
Real Estate Commission Account Appropriation . . . . .	\$	7,396,000
Air Pollution Control Account Appropriation . . . . .	\$	106,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>32,408,000</b>

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

(1) A total of \$1,000,000 shall be transferred to the department of licensing from the following agencies for operation of the master license system: The department of revenue, the department of agriculture, the department of labor and industries, the employment security department, the department of health, the liquor control board, the lottery commission, the department of ecology, and the secretary of state. The office of financial management shall transfer funds from the agencies based on the relative number of licenses issued by each agency through the master license system, weighted to account for differences in the amount of department work required per license issued.

(2) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

- (a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards) . . . . . \$ 538,000
- (b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives) . . . . . \$ 145,000
- (c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration) . . . . . \$ 42,000
- (d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations) . . . . \$ 329,000

NEW SECTION. Sec. 403. 1991 c 236 s 10 is repealed.

**"PART V  
EDUCATION"**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation . . . . .	\$	23,813,000
General Fund--Federal Appropriation . . . . .	\$	13,006,000
Public Safety and Education Account Appropriation . . . . .	\$	383,000
Drug Enforcement and Education Account Appropriation . . . . .	\$	153,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>37,355,000</b>

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

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

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) \$100,000 of the general fund--state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$650,000 of the general fund--state appropriation is provided solely to upgrade the data collection capability of the superintendent of public instruction. The office of financial management may not disburse any of this amount until the superintendent:

(a) Establishes an advisory committee on information needs with representation from the senate ways and means committee, the house of representatives appropriations committee, the office of financial management, and educational service districts;

(b) Presents a decision package to the office of financial management describing the recommended system design, including cost estimates, describing the extent to which the recommended system meets the information needs established by the advisory committee, and describing comparable information for at least two alternative systems; and

(c) Receives approval from the office of financial management for the recommended system design.

(6) \$1,000,000 of the general fund--state appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) \$853,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(8) \$500,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(9) \$39,000 of the general fund--state appropriation is provided to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(10) The superintendent shall adopt rules to implement the intent of RCW 28A.400.275 and 28A.400.280.

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

General Fund Appropriation. . . . . \$ 5,215,683,000

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

(1) \$500,537,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.



(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

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

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

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

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

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

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

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

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

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

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

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

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

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

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

(4) Fringe benefit allocations shall be calculated at a rate of 21.11 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 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 \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 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 \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,633,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,777,000 may be expended in fiscal year 1992 and a maximum of \$1,788,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use

allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

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

General Fund Appropriation . . . . . \$ 218,249,000

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

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

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

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

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 26, 1991, at 12:01 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of 1.2047 for certificated salaries and 1.1534 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92, and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for 1991-92 and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

**1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	21,539	22,120	22,724	23,327	25,265
1	22,244	22,845	23,468	24,111	26,106
2	22,965	23,584	24,225	24,930	26,959
3	23,721	24,359	25,018	25,763	27,827
4	24,491	25,169	25,847	26,630	28,749
5	25,296	25,992	26,689	27,532	29,685
6	26,135	26,829	27,564	28,468	30,653
7	26,988	27,699	28,453	29,414	31,653
8	27,853	28,603	29,375	30,416	32,686
9		29,540	30,349	31,428	33,751
10			31,335	32,492	34,846
11				33,587	35,993
12				34,648	37,170
13					38,376
14					39,589
15 or more					40,618

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,514	25,824	27,762	29,012
1	27,372	26,608	28,603	29,869
2	28,263	27,428	29,456	30,759
3	29,188	28,260	30,324	31,685
4	30,148	29,128	31,246	32,645
5	31,139	30,029	32,182	33,637
6	32,144	30,965	33,150	34,642
7	33,202	31,912	34,151	35,699
8	34,290	32,913	35,183	36,788
9	35,411	33,924	36,248	37,908
10	36,561	34,989	37,344	39,058
11	37,742	36,085	38,490	40,239
12	38,972	37,224	39,667	41,469
13	40,232	38,401	40,874	42,729
14	41,539	39,615	42,165	44,036
15 or more	42,619	40,644	43,261	45,181

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

- (8) For the purposes of this section:
  - (a) "BA" means a baccalaureate degree.
  - (b) "MA" means a masters degree.
  - (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES**

General Fund Appropriation . . . . . \$ 47,058,000

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

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.2047 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by \$18.66 per pupil for the 1991-92 school year and by \$35.87 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by \$14.15 per pupil for the 1991-92 school year and by \$27.20 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by \$11.05 per pupil for the 1991-92 school year and by \$21.24 per pupil for the 1992-93 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 507 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$734,000 is provided for the 1991-92 fiscal year and a maximum of \$1,685,000 is provided for the 1992-93 fiscal year.

(e) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.39 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

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

General Fund Appropriation . . . . . \$ 88,498,000

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

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$321.80 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional \$31.85 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.29 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$7.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.71 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$5.16 per pupil for the 1992-93 school year;

(e) For vocational-technical institutes, an increase of \$29.09 per full time equivalent pupil for the 1991-92 school year and \$21.20 per full time equivalent pupil for the 1992-93 school year. A maximum of \$240,000 is provided for the 1991-92 fiscal year and \$543,000 is provided for the 1992-93 fiscal year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . . \$ 292,126,000

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

(1) \$26,028,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$134,333,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.

(3) A maximum of \$873,000 may be expended for regional transportation coordinators.

(4) A maximum of \$65,000 may be expended for bus driver training.

(5) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(7) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(8) \$100,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.



The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation . . . . . \$ 86,545,000

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

(1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,293 per student for a maximum of 12,655 full time equivalent students.

(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.

(3) \$1,450,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational-technical institutes into the community and technical college system created under chapter 238 Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the vocational-technical institutes shall be made by the director of the state board for community and technical colleges.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation . . . . . \$ 6,000,000

General Fund--Federal Appropriation . . . . . \$ 148,000,000

TOTAL APPROPRIATION . . . . . \$ 154,000,000

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund--State Appropriation . . . . . \$ 691,346,000

General Fund--Federal Appropriation . . . . . \$ 83,900,000

TOTAL APPROPRIATION . . . . . \$ 775,246,000

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

(1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services

demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation . . . . . \$ 5,321,000

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

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation . . . . . \$ 11,070,000

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$500,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation . . . . . \$ 144,606,000

The appropriation in this section is subject to the following conditions and limitations: \$144,606,000 is provided for state matching funds pursuant to RCW 28A.500.010.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES**

General Fund--Federal Appropriation . . . . . \$ 183,032,000

(1) Education Consolidation and Improvement Act. . . . . \$ 178,000,000

(2) Education of Indian Children . . . . . \$ 332,000

(3) Adult Basic Education . . . . . \$ 4,700,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation . . . . . \$ 24,950,000

General Fund--Federal Appropriation . . . . . \$ 7,700,000

**TOTAL APPROPRIATION . . . . . \$ 32,650,000**

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

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

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

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ 10,398,000

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

(1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 and 1992-93 school years shall be distributed at a maximum rate of \$397.16 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$520,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT**

General Fund--State Appropriation . . . . . \$ 6,155,000

General Fund--Federal Appropriation . . . . . \$ 6,085,000

Drug Enforcement and Education

Account Appropriation . . . . . \$ 13,509,000

**TOTAL APPROPRIATION . . . . . \$ 25,749,000**

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

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

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

(3) \$872,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) \$3,000,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) \$150,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement the architecture and children program.

(6) \$10,300,000 of the drug enforcement and education account appropriation is provided to support school district substance abuse awareness programs as provided

under chapter 28A.170 RCW. Grant awards to participating districts shall be not less than grants awarded for the 1989-91 biennium, unless the district requests a lesser amount or does not apply. Not more than \$50,000 of this amount may be used to evaluate the programs funded in this subsection.

(7) \$3,209,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. 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 provided in this subsection, at least \$3,000,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(8) \$30,000 of the general fund--federal appropriation is provided solely for inservice training for elementary teachers on innovative methods of encouraging girls and minority students to develop and pursue an interest in math and science.

(9) \$1,200,000 of the general fund--state appropriation is provided solely for support to strengthen school district management.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS**

General Fund--State Appropriation . . . . .	\$	62,036,000
General Fund--Federal Appropriation . . . . .	\$	11,500,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>73,536,000</b>

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

(1) \$2,231,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) \$88,000 of the general fund--state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) \$2,312,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) \$204,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) \$50,000 of the general fund--state appropriation is provided solely to implement chapter 252, Laws of 1991 (Substitute House Bill No. 1885, teacher recruiting).

(7) \$6,000,000 of the general fund--state appropriation is provided solely for a complex needs factor. \$3,333,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document 30, developed by the legislative evaluation and accountability program committee on June 27, 1991, at 13:40 hours. Funds shall be allocated for the 1992-93 school year according to LEAP Document 30 unless the superintendent develops a new complex needs formula and the legislature enacts a new formula. Development of the complex needs formula shall include consideration of elements included in LEAP Document 30, including ratios of students qualifying for free and reduced-price meals, students participating in bilingual education, and the number of different language or dialect programs offered.

(8) \$900,000 of the general fund--state appropriation is provided solely for grants to school districts 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.

(9) \$1,400,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(10) \$126,000 of the general fund--state appropriation is provided to operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(11) \$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.610.010 through 28A.610.020. 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.

(12) \$9,981,000 of the general fund--state appropriation is provided solely for the schools for the twenty-first century pilot programs established under RCW 28A.630.100 through 28A.630.290.

(13) \$15,000,000 of the general fund--state appropriation is provided solely for early intervention and prevention services.

(a) School districts and educational service districts receiving moneys under this subsection shall enter into interagency agreements for coordinated case management with regional support networks if available, or counties if not available, or community-based public or private human service providers. To the greatest extent possible, the delivery of services to students shall not be duplicative of other programs, shall maximize the use of community-based and school-based intervention specialists, and shall emphasize the most efficient and cost-effective use of these funds. Districts shall use these funds to provide services to students with priority based on need and shall emphasize provision of services for seriously emotionally disturbed children. Services for such seriously emotionally disturbed children shall be provided to the maximum extent possible through collaborative models using mental health providers approved by the regional support networks or the county in which the district is located.

(b) The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services.

(c) If separate legislation establishing the Fair Start program is enacted by July 31, 1991, (b) of this subsection shall be null and void.

(14) \$4,000,000 of the general fund--state appropriation is provided solely for grants, based on enrollments, to the Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The grants shall be used solely to support the development and

implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

(15) \$25,000 of the general fund--state appropriation is provided solely for a program acknowledging the contributions of persons awarded the United States Medal of Honor.

(16) \$50,000 of the general fund--state appropriation is provided solely for grants to school districts to develop model secondary school projects that combine academic and vocational education into a single instructional system. The projects shall integrate vocational and academic curriculum, emphasize increased guidance and counseling for students, and include active participation by employers, community service providers, parents, and community members.

(17) \$500,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(18) \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention through the Federal Way school district. None of this amount may be used by either the district or the superintendent of public instruction for indirect costs.

(19) \$50,000 of the general fund--state and \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention in the Northshore school district.

(20) \$15,000,000 of the general fund--state appropriation is provided solely to implement the reach for excellence program to provide grants to local school districts to develop outcome-based educational programs and methods of assessing students' achievement.

(a) The superintendent shall administer the program on a competitive grant basis and may appoint an advisory committee. Grants may be used for planning, staff development, and training; purchase of instructional materials, supplies, and resources; development of new measures to assess student performance; and implementation of outcome-based educational programs.

(b) If separate legislation enacting the reach for excellence program is enacted by July 31, 1991, (a) of this subsection shall be null and void.

(21) \$2,000,000 of the general fund--state appropriation is provided solely for grants to school districts of the second class under RCW 28A.315.230. The superintendent shall provide grants based on full time equivalent enrollment to applicant school districts meeting all of the following criteria:

(a) The median household income of the district is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of its basic education allocation.

However, if a second class school district is a joint district under RCW 28A.315.350, the criteria under this subsection shall be applied based upon the county which comes closest to meeting the criteria under this subsection.

(22) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 258, Laws of 1991 (Substitute Senate Bill No. 5504, student teaching centers).

(23) \$100,000 of the general fund--state appropriation is provided solely for a cooperative alternative high school operated jointly by the Willapa Valley, Raymond, and South Bend school districts.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund Appropriation--Federal . . . . . \$ 51,216,000

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation . . . . . \$ 23,882,000

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

(1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of \$508.82 per eligible student.

(3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

(4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation . . . . . \$ 91,732,000

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

(1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students

enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS**

General Fund Appropriation . . . . . \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

**NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS**

General Fund Appropriation . . . . . \$ 58,724,000

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

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

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



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

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

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS**

General Fund Appropriation . . . . . \$ 48,611,000

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

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

(a) \$42,144,000 to General Apportionment, section 502 of this act;

(b) \$6,252,000 to the Handicapped Education Program, section 509 of this act; and

(c) \$215,000 to the Institutional Education Program, section 514 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 503 of this act.

**"PART VI  
HIGHER EDUCATION"**

**NEW SECTION. Sec. 601. HIGHER EDUCATION.** The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2) The legislature affirms that institutions of higher education have the flexibility to manage their academic and other programs in accordance with their missions, including the improvement, expansion, addition, and reduction of programs as approved by the higher education coordinating board. An integral part of this flexibility is the responsibility of each institution to use their instructional support funds on supplies, materials, equipment, staffing, and other services necessary to support and improve instruction. By June 1, 1992, the higher education coordinating board shall report to the legislature: (a) Defining instructional support expenditures and indirect or supporting expenditures; (b) identifying how much each institution is spending in these areas; and (c) recommending guidelines and relative percentages for these expenditures.

(3)(a) Student Quality Standard: Each institution and branch campus shall adhere to biennial budgeted enrollment levels. For the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amount includes 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 . . . . .	\$	9,996
Washington State University. . . . .	\$	8,084
Eastern Washington University . . . . .	\$	5,906

Central Washington University . . . . .	\$	5,932
The Evergreen State College . . . . .	\$	7,463
Western Washington University. . . . .	\$	5,694
State Board for Community College Education . . . . .	\$	3,551

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus or minus two percent, except each branch campus shall enroll within plus or minus twelve percent. If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than two percent, or twelve percent for each branch campus, an amount equal to the student quality standard as included in (3)(a) of this subsection per full time equivalent student above or below the two percent or twelve percent branch campus variance shall revert to the state general fund.

	Average 1991-93 Budgeted FTEs
University of Washington	
Main campus . . . . .	29,981
Tacoma branch . . . . .	345
Bothell branch . . . . .	348
Washington State University	
Main campus . . . . .	15,862
Tri-Cities branch . . . . .	467
Vancouver branch . . . . .	343
Spokane branch . . . . .	104
Eastern Washington University . . . . .	7,281
Central Washington University . . . . .	6,361
The Evergreen State College . . . . .	3,159
Western Washington University. . . . .	8,913
State Board for Community College Education . . . . .	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

	1991-92	1992-93
University of Washington . . . . . \$	2,888,000	8,086,000
Washington State University. . . . . \$	1,157,000	3,544,000
Eastern Washington University . . . . \$	435,000	1,190,000
Central Washington University . . . . \$	393,000	1,053,000
The Evergreen State College . . . . . \$	185,000	502,000
Western Washington University. . . . \$	540,000	1,446,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

	1991-92	1992-93
University of Washington . . . . . \$	918,000	2,720,000
Washington State University. . . . . \$	625,000	1,898,000
Eastern Washington University . . . \$	118,000	348,000
Central Washington University . . . \$	93,000	275,000
The Evergreen State College . . . . \$	79,000	232,000
Western Washington University. . . \$	138,000	407,000
Higher Education Coordinating Board\$	25,000	75,000

(d) \$4,342,000 for fiscal year 1992 and \$11,701,000 for fiscal year 1993 are provided solely for the state board for community college education to provide faculty and exempt staff for the community college system as a whole, average salary increases of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

(e) 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.

(5) In no case may the funds provided under this subsection and subsection (4) of this section be used to grant a salary increase exceeding \$3,900 in fiscal year 1992, or \$3,900 in fiscal year 1993, to any person whose annual salary exceeds \$100,000.

(6)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional 3.6 percent across-the-board increase effective January 1, 1993.

	1991-92	1992-93
University of Washington . . . . . \$	1,422,000	4,316,000
Washington State University. . . . . \$	868,000	2,647,000
Eastern Washington University . . . \$	214,000	651,000
Central Washington University . . . \$	172,000	525,000
The Evergreen State College . . . . \$	131,000	396,000
Western Washington University. . . \$	232,000	724,000
State Board for Community College Education . . . . . \$	1,323,000	4,031,000
Higher Education Coordinating Board . . . . . \$	12,000	36,000

(b) The salary increases granted in this subsection (6) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (6) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(7) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991.

University of Washington . . . . .	\$	2,386,000
Washington State University. . . . .	\$	1,057,000
Eastern Washington University . . . . .	\$	239,000
Central Washington University . . . . .	\$	198,000
The Evergreen State College . . . . .	\$	265,000
Western Washington University. . . . .	\$	289,000
State Board for Community College Education . . . . .	\$	1,634,000
Higher Education Coordinating Board . . . . .	\$	26,000

(8) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

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

General Fund Appropriation . . . . .	\$	718,695,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$3,640,000 shall be spent on assessment of student outcomes.
- (2) At least \$1,500,000 shall be spent to recruit and retain minorities.
- (3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.
- (4) \$2,204,000 is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).
- (5) At least \$1,500,000 shall be spent as grants to the community college districts to fund unusually high start-up costs for training programs.
- (6) At least \$75,000 shall be used as payment to the state board for vocational education for the Lower Columbia College job skills program.
- (7) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. A maximum of \$1,000,000 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community college education shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

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

General Fund Appropriation . . . . .	\$	689,120,000
Medical Aid Fund Appropriation. . . . .	\$	3,625,000
Accident Fund Appropriation . . . . .	\$	3,625,000
Death Investigations Account Appropriation . . . . .	\$	1,033,000
Oil Spill Administration Account Appropriation . . . . .	\$	229,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>697,632,000</b>

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

- (1) At least \$9,007,000 shall be spent to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) At least \$7,664,000 shall be spent to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) At least \$400,000 shall be spent on assessment of student outcomes.
- (4) At least \$696,000 shall be spent to recruit and retain minorities.
- (5) \$575,000 is provided solely to operate the Olympic natural resources center.
- (6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).
- (7) \$669,000 is provided solely to add 75 student FTEs to the evening degree program.

**NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY**  
 General Fund Appropriation . . . . . \$ 381,720,000

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

- (1) At least \$7,917,000 shall be spent to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) At least \$7,125,000 shall be spent to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) At least \$7,107,000 shall be spent to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (4) At least \$400,000 shall be spent on assessment of student outcomes.
- (5) At least \$300,000 shall be spent to recruit and retain minorities.
- (6) \$60,000 is provided solely for the aquatic animal health program.

**NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY**  
 General Fund Appropriation . . . . . \$ 103,396,000

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

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$200,000 shall be spent to recruit and retain minorities.

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**  
 General Fund Appropriation . . . . . \$ 88,061,000

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

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$151,000 shall be spent to recruit and retain minorities.

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**  
 General Fund Appropriation . . . . . \$ 55,374,000

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

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$100,000 shall be spent to recruit and retain minorities.

**NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . . \$ 115,445,000

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

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

(2) At least \$200,000 shall be spent to recruit and retain minorities.

**NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation . . . . . \$ 4,633,000

General Fund--Federal Appropriation . . . . . \$ 230,000

**TOTAL APPROPRIATION . . . . . \$ 4,863,000**

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation is provided solely to continue the Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected that enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools. The board shall evaluate the project by September 1, 1992, and recommend to the governor and legislature whether or not it should be continued.

(2) The higher education coordinating board shall implement the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Each state university, regional university, state college, and the community college system shall include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, the board shall develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, the board shall review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education.

(3) \$52,000 of the general fund--state appropriation is provided solely to implement sections 7 and 8, chapter 228, Laws of 1991 (Engrossed Substitute Senate Bill No. 5475, higher education services for students with disabilities).

(4) \$70,000 of the general fund--state appropriation is provided solely for a higher education faculty compensation study. By June 1, 1992, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education faculty compensation. The report shall include historical and current information as well as recommendations regarding: (a) Salary increments; (b) salary disparity among institutions and within departments of institutions; and (c) performance-based compensation plans.

(5) \$230,000 of the general fund--state appropriation is provided solely for the purposes of section 5, chapter 322, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health personnel resources plan).

(6) \$546,000 of the general fund--state appropriation is provided solely to implement sections 18 through .21, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation . . . . .	\$	74,898,000
General Fund--Federal Appropriation . . . . .	\$	3,326,000
State Education Grant Account Appropriation . . . . .	\$	40,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>78,264,000</b>

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

- (1) \$1,012,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.
- (2) \$467,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.
- (3) \$73,419,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:
  - (a) \$66,639,000 is provided solely for the state need grant and state work study programs. Not less than \$24,200,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution.
  - (b) \$2,000,000 is provided solely for educational opportunity grants.
  - (c) \$150,000 is provided solely for the health professional loan repayment program.
  - (d) \$234,000 of the general fund--state appropriation is provided solely to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).
  - (e) A maximum of \$350,000 may be expended to increase the financial aid administrative budget, excluding the four percent state work study program administrative allowance provision.

**NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation . . . . .	\$	613,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out the administrative and fiscal responsibilities of the joint center for higher education pursuant to chapter 205, Laws of 1991 (House Bill No. 2198, joint center for higher education).

**NEW SECTION. Sec. 612. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation . . . . .	\$	101,000
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**NEW SECTION. Sec. 613. FOR THE STATE BOARD FOR VOCATIONAL EDUCATION**

General Fund--State Appropriation . . . . .	\$	4,043,000
General Fund--Federal Appropriation . . . . .	\$	33,067,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>37,110,000</b>

**NEW SECTION. Sec. 614. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY**

General Fund Appropriation . . . . .	\$	3,143,000
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**NEW SECTION. Sec. 615. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund		
Appropriation . . . . .	\$	2,405,000

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

- (1) \$2,000 is provided solely for salary increases for staff of the higher education personnel board resulting from the higher education personnel board's job classification revision of clerical support staff.

(2) \$60,000 is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board.

**NEW SECTION. Sec. 616. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation . . . . .	\$	14,495,000
General Fund--Federal Appropriation . . . . .	\$	4,671,000
General Fund--Private/Local Appropriation . . . . .	\$	46,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>19,212,000</b>

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

(1) \$2,463,516 of the general fund appropriation, of which \$54,000 is from federal funds, are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$100,000 of the general fund--state appropriation is provided solely to contract for provision of compiled business data regarding the Pacific rim region. Contracts shall be limited to Washington state libraries that comprise the Pacific rim business information service.

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation . . . . .	\$	4,706,000
General Fund--Federal Appropriation . . . . .	\$	900,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>5,606,000</b>

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation . . . . .	\$	1,278,000
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**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation . . . . .	\$	922,000
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**NEW SECTION. Sec. 620. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation . . . . .	\$	1,117,000
State Capitol Historical Association Museum Account Appropriation . . . . .	\$	135,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,252,000</b>

**NEW SECTION. Sec. 621. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund Appropriation--State . . . . .	\$	12,450,000
General Fund Appropriation--Federal . . . . .	\$	235,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>12,685,000</b>

**NEW SECTION. Sec. 622. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund Appropriation--State . . . . .	\$	6,657,000
General Fund Appropriation--Federal . . . . .	\$	68,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,725,000</b>

**"PART VII**

**SPECIAL APPROPRIATIONS"**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation . . . . .	\$	600,303,000
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This appropriation is for deposit into the accounts listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND**



**TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account		
Appropriation	..... \$	23,896,000
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	..... \$	1,178,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	..... \$	274,000
Higher Education Bond Retirement Fund 1979 Appropriation	..... \$	2,560,000
State General Obligation Bond Retirement Fund 1979 Appropriation	..... \$	19,126,000
<b>TOTAL APPROPRIATION</b>	..... \$	<b>47,034,000</b>

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Community College Refunding Bond Retirement Fund 1974 Appropriation	..... \$	9,793,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	..... \$	10,292,000
Higher Education Bond Retirement Fund 1979 Appropriation	..... \$	13,525,000
Washington State University Bond Redemption Fund 1977 Appropriation	..... \$	518,000
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	..... \$	6,988,000
State General Obligation Bond Retirement Fund 1979 Appropriation	..... \$	42,251,000
<b>TOTAL APPROPRIATION</b>	..... \$	<b>83,367,000</b>

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967 Appropriation	..... \$	6,910,000
State Building Bond Redemption Fund 1967 Appropriation	..... \$	654,000
State Building and Parking Bond Redemption Fund 1969 Appropriation	..... \$	2,450,000
<b>TOTAL APPROPRIATION</b>	..... \$	<b>10,014,000</b>

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE**

Highway Bond Retirement Fund Appropriation	..... \$	192,403,518
Ferry Bond Retirement Fund 1977 Appropriation	..... \$	28,172,551
<b>TOTAL APPROPRIATION</b>	..... \$	<b>220,576,069</b>

**NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

State Convention and Trade Center Appropriation	..... \$	8,926
Excess Earnings Account Appropriation	..... \$	750,000

State/Local Improvements Revolving Account		
Appropriation	\$	3,574
State/Local Improvements Revolving Account Waste		
Disposal Facilities Appropriation	\$	13,388
State Building Construction Account		
Appropriation	\$	44,715,566
State/Local Improvements Revolving Account Water		
Supply Facilities Appropriation	\$	2,680
Motor Vehicle Fund Appropriation	\$	1,542,000
Urban Arterial Trust Account Appropriation	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745
Total Bond Retirement and Interest Appropriation	\$	1,009,464,782

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation	\$	9,532,000
Motor Vehicle Fund Appropriation	\$	8,942,000
Wildlife Fund Appropriation	\$	106,000
Accident Fund Appropriation	\$	4,000
Ferry System Revolving Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation	\$	378,000
Lottery Administrative Account	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation	\$	48,000
TOTAL APPROPRIATION	\$	24,784,000

**NEW SECTION. Sec. 708. FOR THE GOVERNOR--EMERGENCY FUND**

General Fund Appropriation . . . . . \$ 1,500,000  
 The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

**NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES**

General Fund Appropriation	\$	1,542,000
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	2,392,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS**

- (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 800,000
- (2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:
 

Archives and Records Management Account	\$	562
Winter Recreational Program Account	\$	75

Snowmobile Account . . . . .	\$	226
Flood Control Assistance Account . . . . .	\$	1,354
Aquatic Lands Enhancement . . . . .	\$	6
State Investment Board Expense Account . . . . .	\$	1,995
State Toxics Control Account . . . . .	\$	671
State Emergency Water Projects Revolving Account . . . . .	\$	16
State and Local Improvement Revolving Account-- Waste Disposal Facilities . . . . .	\$	384
Local Toxics Control Account . . . . .	\$	3,626
Litter Control Account . . . . .	\$	173
State Patrol Highway Account . . . . .	\$	29,500
State Wildlife Fund . . . . .	\$	31,700
Motor Vehicle Fund . . . . .	\$	42,708
High Capacity Transportation Account . . . . .	\$	7,110
Public Service Revolving Account . . . . .	\$	3,038
Insurance Commissioner's Regulatory Account . . . . .	\$	2,079
State Treasurer's Service Fund . . . . .	\$	37
Legal Services Revolving Fund . . . . .	\$	24,362
Municipal Revolving Account . . . . .	\$	6,249
Department of Personnel Service Fund . . . . .	\$	1,238
State Auditing Services Revolving Account . . . . .	\$	2,878
Liquor Revolving Fund . . . . .	\$	21,372
Department of Retirement Systems Expense Fund . . . . .	\$	1,234
Accident Fund . . . . .	\$	3,034
Medical Aid Fund . . . . .	\$	3,034

**NEW SECTION. Sec. 711. FOR SUNDRY CLAIMS** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law . . . . . \$ 8,111.92
- (2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 . . . . . \$ 1,715.72

**NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS**

General Fund State Appropriation . . . . .	\$	115,019,000
General Fund Federal Appropriation . . . . .	\$	17,626,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation . . . . .	\$	109,009,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>241,654,000</b>

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) \$62,500,000 of the general fund state appropriation, \$16,500,000 of the general fund federal appropriation, and \$41,800,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent cross-the-board salary increase effective January 1, 1992, and an additional 3.6 percent cross-the-board salary increase effective January 1, 1993, for all classified

and exempt employees under the state personnel board and commissioned officers of the Washington state patrol.

(2) \$3,100,000 of the general fund state appropriation, \$735,000 of the general fund federal appropriation, and \$107,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 3.1 percent salary increase effective January 1, 1992, and an additional 3.6 percent salary increase effective January 1, 1993, to registered nurses and related job classes requiring licensure as a registered nurse; and

(b) Increase shift differential pay for registered nurses and related job classes requiring licensure as a registered nurse from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section, and shall be granted only to employees classified under the state personnel board.

(3) \$860,000 of the general fund state appropriation and \$235,000 of the general fund federal appropriation are provided solely to grant a five-range, or approximately 12.5 percent, salary increase effective July 1, 1991, to the psychologist 5 and psychologist 6 job classes (classes 6816 and 6820) to address problems with recruitment and retention.

(4) \$121,000 of the general fund state appropriation, \$8,000 of the general fund federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately ten percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) \$759,000 of the general fund state appropriation, \$147,000 of the general fund federal appropriation, and \$873,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a two-range, or approximately 5 percent, salary increase effective January 1, 1992, for the environmental engineer 2, architect 1, and civil engineer 2 job classes, and all job classes directly indexed to one of those three benchmark job classes.

The salary increase granted in this subsection shall be in addition to any increase granted under subsection (1) of this section.

(6) The governor shall allocate to state agencies \$15,000,000 from the general fund state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. The amounts allocated under this subsection are for employees classified under both the state personnel board and the higher education personnel board systems.

(7) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(8)(a) The monthly contributions for insurance benefit premiums shall not exceed \$289.95 per eligible employee for fiscal year 1992, and \$321.80 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$8.36 per eligible employee for fiscal year 1992, and \$6.31 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county,

municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(9) 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.

(10) 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.

(11) 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.

(12) A maximum of \$7,342,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

**NEW SECTION. Sec. 713. INCREMENT SALARY INCREASES**

The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$52,597,000 for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), 28B.16.100(18), and other statutes. This amount will provide annual average salary increases of 1.9 percent during the 1991-93 biennium.

**NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation . . . . . \$	76,000,000	81,500,000
TOTAL APPROPRIATION . . . . . \$		157,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation . . . . . \$	3,371,000	3,371,000
TOTAL APPROPRIATION . . . . . \$		6,742,000

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721, judicial retirement system).

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation . . . . . \$	506,000	506,000
TOTAL APPROPRIATION . . . . . \$		1,012,000

The appropriation in this subsection is subject to the following conditions and limitations: \$2,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721 judicial retirement system).

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1992	FY 1993
General Fund State Appropriation . . . . . \$	1,295,000	3,255,000
Special Retirement Contribution Increase		
Revolving Fund Appropriation \$	900,000	2,100,000

TOTAL APPROPRIATION . \$ 7,550,000

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

(1) In addition to any cost of living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees retirement system or plan I of the teachers retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$4,450,000 of the general fund state appropriation and \$3,000,000 of the special 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 to implement subsection (1) of this section.

(3) \$100,000 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 teachers retirement system to implement subsection (1) of this section.

**NEW SECTION. Sec. 716. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS**

General Fund Appropriation . . . . . \$ 7,450,000

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

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$5,550,000 for the teachers' retirement system and \$1,900,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement subsection (1) of this section.

**NEW SECTION. Sec. 717. FOR THE STATE TREASURER--LOANS**

General Fund Appropriation--For transfer to the  
 Convention and Trade Center Operating Account . . . . . \$ 8,766,000  
 General Fund Appropriation--For transfer to the  
 Community College Capital Projects Account . . . . . \$ 4,500,000  
**TOTAL APPROPRIATION . . . . . \$ 13,266,000**

The appropriations in this section are intended as loans to the accounts indicated.

**OTHER TRANSFERS AND APPROPRIATIONS"**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

Fisheries Bond Redemption Fund 1977		
Appropriation	\$	1,370,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	1,844,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	376,000
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,387,000
State Building Authority Bond Redemption Fund Appropriation	\$	9,408,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,528,000
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,189,000
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,907,000
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,105,058
Recreation Improvements Bond Redemption Fund Appropriation	\$	6,021,890
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,712,694
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	3,967,392
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,027
Fisheries Bond Redemption Fund 1976 Appropriation	\$	761,536
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,164,887
State Building Bond Retirement Fund 1975 Appropriation	\$	426,060
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,467,557
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,624,875
Higher Education Bond Redemption Fund 1977 Appropriation	\$	16,559,408
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	3,883,552
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	739,795
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	491,009,053
<b>TOTAL APPROPRIATION</b>	<b>\$</b>	<b>642,277,149</b>

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums tax distribution . . . . .	\$	4,600,000
General Fund Appropriation for public utility district excise tax distribution . . . . .	\$	24,314,000
General Fund Appropriation for prosecuting attorneys' salaries . . . . .	\$	2,704,000
General Fund Appropriation for motor vehicle excise tax distribution . . . . .	\$	83,075,000
General Fund Appropriation for local mass transit assistance . . . . .	\$	275,140,000
General Fund Appropriation for camper and travel trailer excise tax distribution . . . . .	\$	2,585,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution . . . . .	\$	760,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . . . .	\$	90,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution . . . . .	\$	22,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . .	\$	359,745,000
Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	45,645,850
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	83,100,000
Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	44,690,000
County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	15,100,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$	750,000
County Criminal Justice Account Appropriation . . . . .	\$	56,152,000
Municipal Criminal Justice Account Appropriation . . . . .	\$	22,460,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,042,910,850</b>

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal forest reserve fund distribution . . . . .	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution . . . . .	\$	78,000
General Fund Appropriation for federal grazing fees distribution . . . . .	\$	53,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 . . . . .	\$	820,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>70,951,000</b>

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--TRANSFERS**

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before July 20, 1993, an amount up to \$11,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned

11,000,000



General Fund--State: For transfer to the Natural Resources Fund--Water Quality Account . . . . .	\$	12,753,000
General Fund--State: For transfer to the Flood Control Assistance Account . . . . .	\$	\$3,700,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund . . . . .	\$	631,400
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit . . . . .	\$	14,500,000
Disability Accommodation Revolving Account: For transfer to the General Fund . . . . .	\$	190,000
Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes . . . . .	\$	2,003,000
<b>NEW SECTION. Sec. 805. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS</b>		
General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund . . . . .	\$	18,000
Motor Vehicle Fund--State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund . . . . .	\$	118,000

**"PART IX  
MISCELLANEOUS"**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and

when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. **Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by

providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS.** (1) No moneys appropriated in this act may be expended for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW, or under other installment purchase agreements unless:

(a) The purchase price of each individual item of equipment or other personal property exceeds \$3,000; and

(b) The term of the installment contract does not exceed the useful life of the items being purchased.

(2) The total principal value of new equipment acquired by the state, as defined in RCW 39.94.020(4), during the 1991-93 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed \$50,000,000. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) Subsections (1) and (2) of this section do not apply to contracts entered into by the state treasurer to refinance equipment acquired under an installment purchase agreement before July 1, 1991.

(4) The director of financial management shall establish policies and procedures to ensure compliance with this section. This section applies only to contracts or agreements entered into after June 30, 1991.

(5) The office of financial management shall ensure that the state's accounting system provides for the reporting of financing contract payments by state agencies at the subobject level.

(6) The state treasurer shall report by September 1 of each year to the fiscal committees of the house of representatives and the senate on the outstanding principal amounts and annual payment obligations of state agencies acquiring equipment under chapter 39.94 RCW.

(7) The state finance committee may waive the limit on equipment acquisitions established in subsections (1)(a) and (2) of this section for specific agencies and for specific equipment acquisitions if the committee finds that acquiring the equipment under chapter 39.94 RCW offers a substantial financial advantage and serves a compelling need. The state finance committee shall report any waiver granted under this subsection to the fiscal committees of the house of representatives and the senate.

**NEW SECTION. Sec. 905. PUBLICATION EXPENDITURES.** Appropriations in this act used by a state agency to print and distribute newsletters, reports, or other publications are subject to the following conditions and limitations:

(1) Beginning July 1, 1992, all newsletters, reports, or other publications shall be printed on recyclable materials and, if bound, bound with materials that, if available and cost-effective, are either recyclable or easily separable from the recyclable components. For the purposes of this section, "recyclable materials" means materials that maintain useful properties after serving their original purpose and for which viable recycling systems are operating. The department of general administration shall adopt guidelines to assist agencies in complying with this subsection.

(2) Each state agency shall, on an annual basis, update each active mailing list used to distribute newsletters, reports, or other publications. The state agency shall

notify persons and organizations on each mailing list of their presence on the list, and shall request confirmation indicating whether the person or organization wishes to continue to receive the publication. Persons or organizations not affirmatively indicating a desire to continue to receive the publication shall be removed from the mailing list. The department of general administration shall adopt guidelines to assist state agencies in complying with this subsection.

(3) For purposes of this section, "state agency" is defined as provided in RCW 43.19.504(1).

**NEW SECTION. Sec. 906. EXPENDITURES FOR PERSONNEL RECRUITMENT.** No state agency seeking to fill a vacant position within the agency may use the appropriations in this act to contract with an individual or organization outside of state government for assistance or advice in filling the vacancy. State agencies are encouraged to utilize the staff of the recruitment division, and in particular the executive search specialist, in the department of personnel. This section shall not apply to institutions of higher education, or to judicial or legislative branch agencies. A state agency may apply to the director of the department of personnel for a waiver of the prohibition in this section. If a waiver is granted, the director shall file a report with the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee, stating the reason the waiver was granted and the expected dollar amount of the contract.

**NEW SECTION. Sec. 907. EXPENDITURES FOR PERSONAL SERVICE CONTRACTS.** No moneys appropriated in this act may be expended for personal service contracts, as defined under chapter 39.29 RCW, entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) Personal service contracts, and modifications thereto, that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. The office of financial management shall approve personal service contracts, and modifications thereto, filed under this subsection by agencies of the executive branch before such contracts, and modifications thereto, become binding and before any services may be performed under such contracts. The office of financial management shall adopt rules to implement this subsection.

(2) Documentation of the approval required under RCW 39.29.018(2) for sole source contracts of ten thousand dollars or more shall be filed with the legislative fiscal committees within ten days after the contract is approved by the office of financial management.

(3) Any amendment or extension to an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, or if the amendment substantially changes the scope of the contract, must receive written approval by the office of financial management at least ten working days prior to the proposed starting date of the contract. A copy of the approval shall be transmitted to the legislative fiscal committees.

(4) An agency of the executive branch shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management. A copy of the approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(5) When preparing allotments for the 1991-93 biennium, the office of financial management shall ensure that the total state-wide expenditures for personal services, as defined in chapter 39.29 RCW, by agencies receiving appropriations in this act do not exceed the total expenditures for personal services incurred during the 1989-91 biennium. For the purposes of this subsection, "agencies" means any state office or

activity of the executive and judicial branch of government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

**NEW SECTION. Sec. 908. OUT-OF-STATE TRAVEL EXPENDITURES.** No moneys appropriated in this act may be expended for costs incurred by employees or officials of the state in travel outside of the state of Washington except as provided in this section.

(1) No expenditures for travel out-of-state involving air transportation or total expenditures exceeding five hundred dollars for any one employee or official may be made unless the travel received the prior written approval of the agency head. In agencies of the executive branch, the approval authority under this subsection shall not be delegated to any other official without the written approval of the director of financial management.

(2) No expenditures for travel out-of-state involving five or more state employees or officials on the same trip and total expenditures exceeding one thousand dollars for each employee or official may be made unless the travel received the prior written approval of: (a) The director of financial management in the case of agencies of the executive branch; or (b) the agency head in the case of agencies of the legislative and judicial branches.

(3) Within sixty days of the end of each fiscal quarter, each agency making an expenditure under subsection (1) or (2) of this section shall file the following information with the legislative budget committee: (a) The destination and duration of each trip; (b) the total expenditures for the trip, itemized by fund source; (c) the number of persons attending the trip for whom agency expenditures were made; and (d) the purpose of the trip and its relationship to the duties of the agency.

(4) In order to provide accountability of out-of-state travel costs, the office of financial management shall revise state accounting policies and procedures to ensure that one or more accounting objects or subobjects are devoted exclusively to out-of-state travel expenditures, and that such expenditures are not reported, in whole or in part, in any other accounting objects or subobjects.

**NEW SECTION. Sec. 909. SAVINGS RECOVERY ACCOUNT.** (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of:

(a) The implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government;

(b) The implementation of the furniture acquisition study by the governor's commission on efficiency and accountability in government;

(c) The state employees' suggestion award and incentive pay program under chapter 41.60 RCW;

(d) Reduced rates charged by the department of information services resulting from efficiencies in the delivery of services; and

(e) Other specifically identified management efficiencies.

(3) Periodically during the 1991-93 fiscal biennium, and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$3,572,000 as a result of implementation of the recommendations, suggestions, and efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1992, and January 1, 1993, on the amounts and sources of moneys deposited into the savings recovery account.

**NEW SECTION. Sec. 910. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general

fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 911. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 912. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 913. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1991.

**NEW SECTION. Sec. 914. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 915. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION. Sec. 916. CHILD CARE FACILITY FUND.** Any funds in the child care facility fund which remain unspent on June 30, 1991, shall not lapse.

**Sec. 917.** RCW 9.46.100 and 1985 c 405 s 505 are each amended to read as follows:

There is hereby created (~~a fund to be known as~~) the ("")gambling revolving fund((")) which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and

expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The (~~office of financial management may direct the~~) state treasurer (~~to loan~~) shall transfer to the general fund (~~(an amount not to exceed \$1,400,000)~~) one million dollars from the gambling revolving fund for the ((1983-85)) 1991-93 fiscal biennium.

Sec. 918. RCW 41.60.050 and 1987 c 387 s 4 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

Sec. 919. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services.

Sec. 920. RCW 43.09.270 and 1982 c 206 s 1 are each amended to read as follows:

The expense of maintaining and operating the division shall be paid out of the state general fund: PROVIDED, That those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.

Sec. 921. RCW 43.19.1923 and 1987 c 504 s 17 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the (~~(=)~~)central stores revolving fund(~~(=)~~), which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the fund for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other activities within the central stores are not subject to appropriation. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the central stores revolving fund shall be treated

as separate operating entities for financial and accounting control. Financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

**Sec. 922.** RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the ~~((maintenance and operation of state parks))~~ administration, maintenance, and operation of state parks and other state parks programs in the ~~((1981-83))~~ 1991-93 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.

**Sec. 923.** RCW 70.146.080 and 1986 c 3 s 11 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

~~((After June 30, 1989, if the tax receipts deposited into the water quality account for the preceding fiscal year are less than forty five million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts up to forty five million dollars.))~~

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality



account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 924. RCW 74.13.0903 and 1989 c 381 s 5 are each amended to read as follows:

The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care; and

(f) Provide technical assistance to employers regarding employee child care services;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

Sec. 925. RCW 82.49.030 and 1989 c 393 s 10 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter shall be deposited in the general fund.

(3) ~~((Until June 30, 1995))~~ For the 1993-95 fiscal biennium, the watercraft excise tax revenues exceeding five million dollars in each fiscal year, but not exceeding six

million dollars, may, subject to appropriation by the legislature, be used for the purposes specified in RCW 88.36.100.

**NEW SECTION. Sec. 926. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 927. EMERGENCY CLAUSE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991 except for section 916, which shall take effect immediately.

On page 1, line 3 of the title after "1993;" strike the remainder of the title and insert "amending RCW 9.46.100, 41.60.050, 43.08.250, 43.09.270, 43.19.1923, 43.51.280, 70.146.080, 74.13.0903, and 82.49.030; repealing 1991 c 236 s 10 (uncodified); providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Niemi and West; Representatives Locke, Ebersole and Silver.

#### MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1330 was adopted.

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. 1330, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1330, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, L. Smith, Snyder, Talmadge, Thorsness, von Reichbauer, West - 36.

Voting nay: Senators Hansen, M. Kreidler, Madsen, McCaslin, Moore, Skratek, A. Smith, Sutherland, Vognild, Williams, Wojahn - 11.

Excused: Senators Saling, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, as recommended by the 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.

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

## MOTION

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

## SENATE RESOLUTION 1991-8706

By Senators Craswell, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, Adele Ferguson was the first woman political correspondent to arrive in the capitol thirty years ago; and

WHEREAS, Adele's syndicated column appears in daily and weekly newspapers across the state and is 'must reading for legislators and opinion leaders' according to a published report; and

WHEREAS, Published reports describe Adele as an 'influential, blunt and fun part of the legislative process;' and

WHEREAS, Adele's peer in a published report said 'she has the most marvelous skill in getting at the guts of an issue;' and

WHEREAS, Adele is characterized in a recent article as 'refreshing -- a straight shooter who doesn't pull any punches;' and

WHEREAS, In a recent published report, Adele unapologetically describes herself as a conservative -- proof positive, she says, that the press isn't all a bunch of liberals; and

WHEREAS, A recent article reports that Adele can 'cuss like a logger, drink like a sailor and tell off-color jokes;'

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby dismiss all of these published accounts due to their total lack of objectivity and accuracy; and

BE IT FURTHER RESOLVED, That the Washington State Senate hereby formally adopts another view of Adele Ferguson, that of a warm, lovable and caring human being dedicated to the democratic process and a true "state treasure"; and

BE IT FURTHER RESOLVED, That as Adele discontinues her daily coverage of the Capitol scene, her legions of friends and admirers admit that they will sorely miss her daily, unbiased reports; and

BE IT FURTHER RESOLVED, That if Adele should retire from journalism, that the Washington State Senate hereby encourages her to run for public office -- she deserves it.

Senators Craswell, Vognild, Metcalf, Anderson, Snyder, Owen, Oke and McCaslin spoke to Senate Resolution 1991-8706.

President Pritchard welcomed Adele Ferguson to the Senate Rostrum.

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

At the request of Senator Newhouse, Adele and President Pritchard sang a song about the Legislature.

### MOTION

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

#### SENATE RESOLUTION 1991-8704

By Senators McMullen, Rasmussen and Johnson

WHEREAS, The Bill of Rights is the foundation of American principles of freedom, justice, liberty, and equality; and

WHEREAS, The Bill of Rights serves as a beacon for all other nations by providing a political system that effectively protects individual rights; and

WHEREAS, December 15, 1991, marks the 200th anniversary of the ratification of the Bill of Rights; and

WHEREAS, San Juan County is a shining example of local participation in the celebration of this historic event through cooperation from local schools, community organizations, and governments; and

WHEREAS, San Juan County's celebration includes informational and patriotic events emphasizing the Bill of Rights including a lecture series, adult classes, Memorial, Flag, Independence, Labor and Citizens Day celebrations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the efforts of San Juan County and encourage other local governments to join in the celebration of the ratification of the Bill of Rights; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourages the office of the Secretary of State to assist and help coordinate other local events in communities state-wide.

Senator McMullen spoke to Senate Resolution 1991-8704.

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

There being no objection, the Senate resumed consideration of the Messages from the Governor regarding partially vetoed and vetoed bills, which were read in on the second day of the First Special Session, June 11, 1991.

### MOTIONS

On motion of Senator Newhouse, the following partially vetoed bills were returned to their committee of origin:

SECOND SUBSTITUTE SENATE BILL NO. 5025 referred to Committee on Children and Family Services;

SUBSTITUTE SENATE BILL NO. 5082 referred to Committee on Environment and Natural Resources;

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120 referred to Committee referred to Committee on Law and Justice;

SENATE BILL NO. 5148 referred to Committee on Law and Justice;  
 SENATE BILL NO. 5170 referred to Committee on Law and Justice;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5256 referred to  
 Committee on Law and Justice;

ENGROSSED SUBSTITUTE SENATE BILL NO. 5411 referred to  
 Committee on Environment and Natural Resources;

SENATE BILL NO. 5474 referred to Committee on Education;

SENATE BILL NO. 5475 referred to Committee on Higher Education;

SENATE BILL NO. 5558 referred to Committee on Commerce and  
 Labor;

SECOND SUBSTITUTE SENATE BILL NO. 5568 referred to Committee  
 on Children and Family Services;

SECOND SUBSTITUTE SENATE BILL NO. 5591 referred to Committee  
 on Environment and Natural Resources;

SUBSTITUTE SENATE BILL NO. 5632 referred to Committee on  
 Health and Long-Term Care;

SUBSTITUTE SENATE BILL NO. 5670 referred to Committee on  
 Health and Long-Term Care;

SENATE BILL NO. 5722 referred to Committee on Environment and  
 Natural Resources;

SUBSTITUTE SENATE BILL NO. 5873 referred to Committee on Ways  
 and Means.

On motion of Senator Newhouse, the following vetoed bills were returned  
 to their committee of origin:

SUBSTITUTE SENATE BILL NO. 5052 referred to Committee on Law  
 and Justice;

SENATE BILL NO. 5075 referred to Committee on Law and Justice;

SECOND SUBSTITUTE SENATE BILL NO. 5083 referred to Committee  
 on Environment and Natural Resources;

SENATE BILL NO. 5104 referred to Committee on Transportation;

SENATE BILL NO. 5442 referred to Committee on Transportation;

SENATE BILL NO. 5585 referred to Committee on Commerce and  
 Labor.

#### MOTION

At 2:54 p.m., on motion of Senator Newhouse, the Senate was declared  
 to be at ease.

The Senate was called to order at 3:02 p.m. by President Pritchard.

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

#### MESSAGE FROM THE HOUSE

June 30, 1991

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, 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

RESHB 1430 by House Committee on Capital Facilities and Financing (originally sponsored by Representative H. Sommers) (by request of Governor Gardner)

Issuing general obligation and revenue bonds.

### MOTION

On motion of Senator Newhouse, the rules were suspended and Reengrossed Substitute House Bill No. 1430 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

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, by House Committee on Capital Facilities and Financing (originally sponsored by Representative H. Sommers) (by request of Governor Gardner)

Issuing general obligation and revenue bonds.

The bill was read the second time.

### MOTION

On motion of Senator Bluechel, the rules were suspended, Reengrossed Substitute House Bill No. 1430 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 Reengrossed Substitute House Bill No. 1430.

### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1430 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Pelz, Rinehart, Sellar, Skratek, A. Smith, Snyder, Sutherland, Vognild, von Reichbauer, West, Williams - 35.

Voting nay: Senators Amondson, McCaslin, Metcalf, Nelson, Oke, Patterson, Rasmussen, Roach, L. Smith, Talmadge, Thorsness, Wojahn - 12.

Excused: Senators Saling, Stratton, - 2.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, having received the 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. 5375 and Engrossed Senate Bill No. 5432, which were on the third reading calendar, were referred to the Committee on Rules.

### PERSONAL PRIVILEGE

Senator Metcalf: "Mr. President, a point of personal privilege. Senator West is in charge of the cafeteria and, I suppose in doing his duties, he submitted me a bill which is for excessive consumption of ice cream in the Senate cafeteria. The bill was twenty-five thousand dollars. I told him that I am not going to pay it--no way. Then afterwards, I have been thinking about it and I just wanted to say that I have been here for twenty years and if this was for this year, I wouldn't pay it, but if it is over the twenty years, I probably beat you out of some money, so I probably should pay it."

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

### MESSAGE FROM THE HOUSE

June 30, 1991

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1376,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,  
ENGROSSED HOUSE BILL NO. 1890,  
HOUSE BILL NO. 1891,  
HOUSE BILL NO. 2237,  
HOUSE CONCURRENT RESOLUTION NO. 4412,  
SENATE BILL NO. 5560, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
 ENGROSSED SENATE BILL NO. 5959.

## SIGNED BY THE PRESIDENT

The President signed:  
 ENGROSSED HOUSE BILL NO. 1376,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,  
 ENGROSSED HOUSE BILL NO. 1890,  
 HOUSE BILL NO. 1891,  
 HOUSE BILL NO. 2237,  
 HOUSE CONCURRENT RESOLUTION NO. 4412.

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

## INTRODUCTION AND FIRST READING

SCR 8418 by Senators Hayner, Sellar, Gaspard and Snyder

Returning measures to their house of origin.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

## MOTION

At 3:25 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:23 p.m. by President Pritchard.

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

## MESSAGES FROM THE HOUSE

June 30, 1991

MR. PRESIDENT:

The Speaker has signed:



ENGROSSED SENATE BILL NO. 5959, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 30, 1991

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 and has passed the bill as recommended by the Conference Committee.

DENNIS KARRAS, Deputy Chief Clerk

June 30, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4423, 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 4423 by Representatives Ebersole and Ballard

Adjourning Sine Die.

#### MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4423 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.

#### MESSAGES FROM THE HOUSE

June 30, 1991

MR. PRESIDENT:

The Speaker has signed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 30, 1991

**MR. PRESIDENT:**

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 30, 1991

**MR. PRESIDENT:**

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430.

**SIGNED BY THE PRESIDENT**

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330.

**SIGNED BY THE PRESIDENT**

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8418.

**MESSAGES FROM THE HOUSE**

June 30, 1991

**MR. PRESIDENT:**

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 30, 1991

**MR. PRESIDENT:**

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

June 30, 1991

**MR. PRESIDENT:**

Pursuant to Senate Concurrent Resolution No. 8418, the House hereby returns the following Senate Bills:

SUBSTITUTE SENATE BILL NO. 5072,  
 SENATE BILL NO. 5150,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5580,  
 SUBSTITUTE SENATE BILL NO. 5581,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,  
 SUBSTITUTE SENATE BILL NO. 5653,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,  
 ENGROSSED SENATE BILL NO. 5940,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,  
 ENGROSSED SENATE BILL NO. 6004,  
 SENATE BILL NO. 6008,  
 SENATE JOINT MEMORIAL NO. 8022,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8409,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8417, and  
 the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### RETURN OF BILLS TO THE HOUSE OF REPRESENTATIVES

Under the provisions of Senate Concurrent Resolution No. 8418, the Senate returned the following House Bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,  
 ENGROSSED HOUSE BILL NO. 1331,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,  
 HOUSE BILL NO. 2206,  
 HOUSE BILL NO. 2220,  
 HOUSE BILL NO. 2221,  
 ENGROSSED HOUSE BILL NO. 2240,  
 HOUSE CONCURRENT RESOLUTION NO. 4416.

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE CONCURRENT RESOLUTION NO. 4423.

#### MOTION

On motion of Senator Newhouse, The Senate Journal for the twenty-first day of the 1991 First Special Session of the Fifty-second Legislature was approved.

## MOTION

At 4:29 p.m., on motion of Senator Newhouse, the 1991 First Special Session of the Fifty-second Legislature adjourned SINE DIE.

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

**SENATE ROSTER  
AND  
COMMITTEE ASSIGNMENTS**

## JOURNAL OF THE SENATE

Name of Member	District	Politics	County	Mailing Address
Amondson, Neil	20	R	Lewis; Thurston, part	<u>MAIL</u> : 203 Institutions Bldg. Olympia 98504-0420 <u>HOME ADDRESS</u> : P. O. Box 945 Centralia 98531
Anderson, Ann	42	R	Whatcom, part	205 Institutions Bldg. Olympia 98504-0442
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>DISTRICT OFFICE</u> : 21 Avenue A., Suite A. Snohomish 98290
Barr, Scott	7	R	Ferry; Lincoln; Pend Oreille; Stevens; Okanogan, part; Spokane, part	409 Old Dominion Road Colville 99114
Bauer, Albert	49	D	Clark, part	13611 N.E. 20th Avenue Vancouver 98686
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Cantu, Emilio	41	R	King, part	4416 138th Avenue S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam; Jefferson; Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	26510 Big Valley Road NE Poulsbo 98370
Erwin, Tim	44	R	King, part; Snohomish, part	P.O. Box 1441 Bothell 98041
Gaspard, Marcus S.	25	D	Pierce, part	203 5th Avenue NW Puyallup 98371
Hansen, Frank "Tub"	13	D	Adams, part; Grant, part; Kittitas, part; Yakima, part	1963 Westshore Drive Moses Lake 98837
Hayner, Jeannette	16	R	Walla Walla; Benton, part; Franklin, part	Box 454 Walla Walla 99362

## 1991 -- SENATE ROSTER--continued

Year of Birth	Birthplace	Occupation	Previous Years Served Senate	House
1954	Washington	Businessman/Consultant	Elected 11/8/88-1990	1987-1988
1952	Washington	Small Business Owner	1987-1990	
1926	Washington	Farmer	1985-1990	
1916	Washington	Grain, Cattle and Timber Producer, Semi-Retired	1983-1990	1977-1982
1928	Montana	Retired Teacher - Farmer	1981-1990	1971-1980
1924	Alberta, Canada	President, Loctwall Corp.	1975-1990	1967-1974
1926	Texas	Engineering Supervisor	1985-1990	1981-1984
1925	Washington	Longshoreman, Electrician, Logger	Appt. 7/57-1959; Elected 11/77-1990	1959-1977
1932	Washington	Housewife	1981-1990	1977-1980
1957	Washington	King Co. Staff Member		
1948	Washington	College Administrator & Property Mgmt.	1977-1990	1973-1976
1913	Washington	Retired Cattle Rancher & Farmer	1979-1990	1973-1978
1919	Oregon	Lawyer	1977-1990	1973-1977

## JOURNAL OF THE SENATE

Name of Member	District	Politics	County	Mailing Address
Jesernig, Jim	8	D	Benton, part	1010 W. Klamath Kennewick 99336
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Avenue W. Tacoma 98467
Kreidler, Lela	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504-0422 NOTE: Served from 1/1/91 to 4/18/91
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504-0422 NOTE: On military leave 1/1/91 to 4/1
Madsen, Ken	2	D	Pierce, part; Thurston, part	P.O. Box 370 Roy 98580
Matson, Jim	14	R	Yakima, part	103 Institutions Bldg. Olympia 98504-0414
McCaslin, Bob	4	R	Spokane, part	105 Institutions Bldg. Olympia 98504-0404
McDonald, Dan	48	R	King, part	<u>MAIL</u> : 300 John Cherberg Bldg. Olympia 98504-0448 <u>HOME ADDRESS</u> : 4650 92nd N.E. Bellevue 98004
McMullen, Patrick R.	40	D	San Juan; Skagit, part; Whatcom, part	P.O. Box 152 Sedro-Woolley 98284
Metcalf, Jack	10	R	Island; Skagit, part; Snohomish, part	3273 E. Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	431 John Cherberg Bldg. Olympia 98504-0436
Murray, Patty	1	D	King, part; Snohomish, part	528 N.W. 203rd Place Seattle 98177
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020 <u>DISTRICT OFFICE</u> : 18021 70th Place West Edmonds 98020



## 1991 -- SENATE ROSTER--continued

Year of Birth	Birthplace	Occupation	Previous Years Served Senate	Served House
1956	Washington	Attorney	Elected 11/6/90	1976-1990
1930	Minnesota	Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985-1990	Elected 11/4/80-1984
1944	Oregon	Public School Instructional Assistant		
1943	Washington	Optometrist	1985-1990	1977-1984
1939	Idaho	Washington Natural Gas Company	Appt. 12/14/87-1990	1985-1987
1927	Washington	Fruit Business	1969-1980; 1989-1990	
1926	Ohio	Real Estate Broker	1981-1990	
1944	Washington	Mech. Engineer, Economist	Appt. 9/19/83-1990	1979-1983
1945	Washington	Attorney	Appt. 10/1/87-1990	1983-1987
1927	Washington	Retired Teacher	1967-1974; 1981-1990	1961-1964
1912	Washington	Investments	1979-1990	
1950	Washington	Former Instructor at Shoreline Community College	1989-1990	
1936	Washington	Consulting Engineer	1987-1990	1973-1986

## JOURNAL OF THE SENATE

Name of Member	District	Politics	County	Mailing Address
Newhouse, Irv	15	R	Benton, part; Yakima, part	1160 Murray Road Mabton 98935
Niemi, Janice	43	D	King, part	P. O. Box 20516 Seattle 98102
Oke, Bob	26	R	Kitsap, part; Pierce, part	P.O. Box 323 Port Orchard 98366
Owen, Brad	35	D	Mason; Grays Harbor, part; Kitsap, part; Thurston, part	419 John Cherberg Bldg. Olympia 98504-0435
Patterson, E. G. "Pat"	9	R	Asotin; Columbia; Garfield; Whitman; Adams, part; Franklin, part	N.E. 400 Campus Pullman 99163
Pelz, Dwight	37	D	King, part	1137 32nd Avenue Seattle 98122
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Roach, Pam	31	R	King, part; Pierce, part	22102 SE Green Valley Rd. Auburn 98002
Saling, Gerald L. (Jerry)	5	R	Spokane, part	12515 N. Fairwood Drive Spokane 99218
Sellar, George L.	12	R	Chelan; Douglas; Grant, part; Kittitas, part; Okanogan, part	1324 Terrace Drive East Wenatchee 98802
Skratek, Sylvia	47	D	King, part	26324 166th Pl. SE Kent 98042
Smith, Adam	33	D	King, part	19800 Pacific Hwy So #G209 SeaTac 98188

## 1991 -- SENATE ROSTER--continued

Year of Birth	Birthplace	Occupation	Previous Years Served	
			Senate	House
1920	Washington	Farmer	Appt. 12/9/80-1990	1965-1979
1928	Michigan	Attorney	Appt. 9/19/87-1990	1983-1987
1940	Washington	Retired Senior Chief - U.S. Navy		
1950	Washington	Small Businessman	1983-1990	Elected 11/2/76-1982
1919	Washington	Retired WSU Administrator	1981-1990	1973-1980
1951	Washington	Organizer		
1909	Washington	Retired	1961-1967; Appt. 10/71-1990	1945-1960
1940	Texas	Legislator	1983-1990	Appt. 11/13/79-1982
1948	California	King County Council Legislative Staff		
1928	Washington	Retired Educator	1985-1990	1965-1971
1929	Illinois	Port of Chelan County, Marketing Director	Appt. 1/7/72-1990	
1950	Michigan	Program Director		
1965	Washington, D.C.	Law Clerk		

## JOURNAL OF THE SENATE

Name of Member	District	Politics	County	Mailing Address
Smith, Linda A.	18	R	Clark, part; Cowlitz, part	10009 N.W. Ridgecrest Avenue Vancouver 98685
Snyder, Sid	19	D	Pacific; Wahkiakum; Cowlitz, part; Grays Harbor, part	P. O. Box 531 Long Beach 98631
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Sutherland, Dean	17	D	Klickitat; Skamania; Clark, part	23503 N.E. 108th Street Vancouver 98682
Talmadge, Phil	34	D	King, part	5251 California Ave. S.W. Seattle 98136 NOTE: The above address is the district office.
Thorsness, Leo K.	11	R	King, part	P.O. Box 356 Renton 98057 NOTE: The above address is the district office.
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201
von Reichbauer, Peter	30	R	King, part; Pierce, part	P.O. Box 3737 Federal Way 98063-3737
West, James E.	6	R	Spokane, part	P.O. Box 2744 Spokane 99220-2744
Williams, Al	32	D	King, part	4801 Fremont Avenue N. Seattle 98103
Wojahn, R. Lorraine	27	D	Pierce, part	407A Legislative Bldg. Olympia 98504-0427

## 1991 -- SENATE ROSTER--continued

Year of Birth	Birthplace	Occupation	Previous Years Served Senate	Previous Years Served House
1950	Colorado	Tax Consultant	Elected 11/3/87-1990	Elected 11/8/83-1987
1926	Washington	Supermarket Owner and Operator	Elected Secretary of Senate 5/12/69; 1969-1988; Appointed 10/2/90	Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
1927	Washington	Retired	1985-1990	Appt. 1979-1984
1954	Minnesota	Electrician	Elected 11/8/88-1990	1983-1988
1952	Washington	Attorney	1979-1990	
1932	Minnesota	Speaker, Investor	Elected 11/8/88-1990	
1932	Washington	Retired Everett Fire Dept., Small Business Owner (Retired)	1979-1990	
	Washington	Business	Elected 11/73-1990	
1951	Oregon	President/Manager JWAV, Ltd.	1987-1990	1983-1986
1930	North Dakota	Architect	Appt. 1/27/78-1990	1970-1977
1920	Washington		1977-1990	1969-1976

**Membership of  
Senate Standing Committees  
1991**

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

**CHILDREN AND FAMILY SERVICES (5) -- Roach, Chair; L. Smith, Vice Chair; Craswell, \*Stratton, Talmadge.**

**COMMERCE AND LABOR (9) -- Matson, Chair; Anderson, Vice Chair; Bluechel, McCaslin, McDonald, McMullen, \*Moore, Murray, Skratek.**

**EDUCATION (11) -- Bailey, Chair; Erwin, Vice Chair; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, \*Rinehart, A. Smith, Talmadge.**

**ENERGY AND UTILITIES (9) -- Thorsness, Chair; Saling, Vice Chair; Jesernig, Nelson, Patterson, Roach, Stratton, \*Sutherland, Williams.**

**ENVIRONMENT AND NATURAL RESOURCES (9) -- Metcalf, Chair; Oke, Vice Chair; Amondson, Barr, Conner, \*Owen, Patterson, Snyder, Sutherland.**

**FINANCIAL INSTITUTIONS AND INSURANCE (11) -- von Reichbauer, Chair; Johnson, Vice Chair; Matson, McCaslin, Moore, Owen, \*Pelz, Rasmussen, Sellar, Vognild, West.**

**GOVERNMENTAL OPERATIONS (5) -- McCaslin, Chair; Roach, Vice Chair; \*Madsen, Matson, Sutherland.**

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

**HIGHER EDUCATION (9) -- Saling, Chair; Patterson, Vice Chair; Bauer, Bluechel, Cantu, \*Jesernig, Skratek, Stratton, von Reichbauer.**

**LAW AND JUSTICE (9) -- Nelson, Chair; Thorsness, Vice Chair; Erwin, Hayner, Kreidler, Madsen, Newhouse, \*Rasmussen, A. Smith.**

**SUBCOMMITTEE ON CORRECTIONS -- Thorsness, Chair.**

**RULES (18) -- \*\*\*Pritchard, Chair; Craswell, Vice Chair; Amondson, Anderson, Bauer, Bluechel, Cantu, \*Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, Snyder, L. Smith, Vognild, Williams, Wojahn.**

\* - Ranking Minority Member

\*\* - Assistant Ranking Minority Member

\*\*\* - Lt. Gov. Pritchard is a voting member

**TRANSPORTATION (15) -- Patterson, Chair; Nelson, Vice Chair; von Reichbauer, Vice Chair; Barr, Conner, Erwin, Hansen, \*\*Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, \*Vognild.**

**WAYS AND MEANS (23) -- McDonald, Chair; Craswell, Vice Chair; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Kreidler, Matson, Metcalf, Murray, Newhouse, \*Niemi (Appropriations), Owen, \*Rinehart (Capital), Saling, L. Smith, Talmadge, West, Williams, Wojahn.**

\* - Ranking Minority Member

\*\* - Assistant Ranking Minority Member

\*\*\* - Lt. Gov. Pritchard is a voting member

**Member Assignments to  
Senate Standing Committees  
1991**

**Amondson, Neil** -- Environment and Natural Resources; Health and Long Term Care; Rules.

**Anderson, Ann** -- Agriculture and Water Resources, Vice Chair; Commerce and Labor, Vice Chair; Education; Rules.

**Bailey, Cliff** -- Education, Chair; Agriculture and Water Resources; Ways and Means.

**Barr, Scott** -- Agriculture and Water Resources, Chair; Environment and Natural Resources; Transportation.

**Bauer, Albert** -- Higher Education; Rules; Ways and Means.

**Bluechel, Alan** -- Commerce and Labor; Higher Education; Rules; Ways and Means.

**Cantu, Emilio** -- Higher Education; Rules; Ways and Means.

**Conner, Paul H.** -- Agriculture and Water Resources; Environment and Natural Resources; Transportation.

**Craswell, Ellen** -- Rules, Vice Chair; Ways and Means, Vice Chair; Children and Family Services; Education.

**Erwin, Tim** -- Education, Vice Chair; Law and Justice; Transportation.

**Gaspard, Marcus S.** -- Agriculture and Water Resources; \*Rules; Ways and Means.

**Hansen, Frank "Tub"** -- \*Agriculture and Water Resources; Transportation.

**Hayner, Jeannette** -- Law and Justice; Rules; Ways and Means.

**Jesernig, Jim** -- Energy and Utilities; \*Higher Education.

**Johnson, Stanley C.** -- Financial Institutions and Insurance, Vice Chair; Health and Long Term Care; Rules; Ways and Means.

**Kreidler, Lela** -- \*Health and Long Term Care; Law and Justice; Ways and Means.



- Kreidler, Mike** -- \*Health and Long Term Care; Law and Justice; Ways and Means.
- Madsen, Ken** -- \*Governmental Operations; Law and Justice; Transportation.
- Matson, Jim** -- Commerce and Labor, Chair; Financial Institutions and Insurance; Governmental Operations; Ways and Means.
- McCaslin, Bob** -- Governmental Operations, Chair; Commerce and Labor; Financial Institutions and Insurance.
- McDonald, Dan** -- Ways and Means, Chair; Commerce and Labor.
- McMullen, Patrick R.** -- Commerce and Labor; Rules; Transportation.
- Metcalf, Jack** -- Environment and Natural Resources, Chair; Education; Ways and Means.
- Moore, Ray** -- \*Commerce and Labor; Financial Institutions and Insurance.
- Murray, Patty** -- Commerce and Labor; Education; Ways and Means.
- Nelson, Gary A.** -- Law and Justice, Chair; Transportation, Vice Chair; Energy and Utilities.
- Newhouse, Irv** -- Agriculture and Water Resources; Law and Justice; Rules; Ways and Means.
- Niemi, Janice** -- Health and Long Term Care; \*Ways and Means.
- Oke, Bob** -- Environment and Natural Resources, Vice Chair; Education; Transportation.
- Owen, Brad** -- \*Environment and Natural Resources; Financial Institutions and Insurance; Ways and Means.
- Patterson, E. G. "Pat"** -- Transportation, Chair; Higher Education, Vice Chair; Energy and Utilities; Environment and Natural Resources.
- Pelz, Dwight** -- Education; \*Financial Institutions and Insurance.
- Rasmussen, A. L. "Slim"** -- Financial Institutions and Insurance; \*Law and Justice; Rules.
- Rinehart, Nita** -- \*Education; \*Ways and Means.

**Roach, Pam** -- Children and Family Services, Chair; Governmental Operations, Vice Chair; Energy and Utilities.

**Saling, Gerald L. (Jerry)** -- Higher Education, Chair; Energy and Utilities, Vice Chair; Ways and Means.

**Sellar, George L.** -- Financial Institutions and Insurance; Rules; Transportation.

**Skratek, Sylvia** -- Commerce and Labor; Higher Education; Transportation.

**Smith, Adam** -- Education; Law and Justice.

**Smith, Linda A.** -- Children and Family Services, Vice Chair; Health and Long Term Care, Vice Chair; Rules; Ways and Means.

**Snyder, Sid** -- Environment and Natural Resources; Rules; Transportation.

**Stratton, Lois J.** -- \*Children and Family Services; Energy and Utilities; Higher Education.

**Sutherland, Dean** -- \*Energy and Utilities; Environment and Natural Resources; Governmental Operations.

**Talmadge, Phil** -- Children and Family Services; Education; Ways and Means.

**Thorsness, Leo K.** -- Energy and Utilities, Chair; Law and Justice, Vice Chair; Subcommittee on Corrections, Chair; Transportation.

**Vognild, Larry L.** -- Financial Institutions and Insurance; Rules; \*Transportation.

**von Reichbauer, Peter** -- Financial Institutions and Insurance, Chair; Transportation, Vice Chair; Higher Education.

**West, James E.** -- Health and Long Term Care, Chair; Financial Institutions and Insurance; Ways and Means.

**Williams, Al** -- Energy and Utilities; Rules; Ways and Means.

**Wojahn, R. Lorraine** -- Health and Long Term Care; Rules; Ways and Means.

GOVERNOR'S MESSAGES ON SENATE BILLS  
SIGNED AFTER ADJOURNMENT1991 REGULAR AND FIRST SPECIAL SESSION

## MESSAGE FROM THE GOVERNOR

July 1, 1991

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

I have the honor to advise you that on June 30, 1991, Governor Gardner approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5959

Relating to public assistance.

Senate Bill No. 5997

Relating to the correction of double amendments.

Engrossed Senate Bill No. 5998

Relating to surviving spouse under the law enforcement officers' and fire fighters' retirement system.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

July 2, 1991

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

I have the honor to advise you that on July 2, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5444

Relating to the duty of a bank customer to discover and report unauthorized signatures and alterations.

Senate Bill No. 5718

Relating to purple heart recipient recognition day.

Engrossed Substitute Senate Bill No. 5790

Relating to mandatory liability insurance.

Senate Bill No. 5988

Relating to tax levies for library improvements.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

## MESSAGE FROM THE GOVERNOR

July 11, 1991

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

I have the honor to advise you that on July 11, 1991, Governor Gardner approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5996

Relating to child support.

Sincerely,  
THOMAS J. FELNAGLE, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS  
VETOED AND PARTIALLY VETOED1991 REGULAR AND FIRST SPECIAL SESSIONPARTIALLY VETOED BILLSMESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5722

May 3, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 4,  
Senate Bill No. 5722 entitled:

"AN ACT Relating to interest rates for the department of natural  
resources."

Developing a uniform interest rate policy for the Department of Natural Resources is an important goal which will improve agency administration and accounting. Sections 3 and 4 of this bill, however, amend existing law so that the Board of Natural Resources rather than the State Treasurer will determine the appropriate interest rate for loans between the landowner contingency forest fire suppression account and the general fund. While the Board of Natural Resources should have the ability to set interest rates for trustland management funds, this power should not be extended to situations which affect the General Fund. For this reason, I have vetoed Sections 3 and 4 of the bill.

With the exception of Sections 3 and 4, Senate Bill No. 5722 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5632

May 15, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 10 and 11,  
Substitute Senate Bill No. 5632 entitled:

"AN ACT Relating to ophthalmologists."

Section 10 of this bill establishes the state ophthalmologist advisory committee in statute. This three member committee, appointed by the Secretary of the Department of Health, is comprised of a physician, an ophthalmologist, and a state department of health employee. The purpose of this committee is to advise the Secretary of the Department of Health on the administration of the ophthalmologist practice act. I see no reason for a state employee to be a member of this health profession advisory committee nor is it necessary to establish this advisory committee by statute. The Secretary of the Department of Health has authority under RCW 18.122.070 to appoint advisory committees to assist in the administration of health profession regulatory statutes. Therefore, I have vetoed Section 10 of this bill.

Section 11 of this bill restates substantially the immunity from liability extended by RCW 18.122.070(5) to the secretary, members of advisory committees or individuals acting on their behalf. RCW 18.122.070(5) provides immunity based on "official acts performed in the course of their duties" for members of health care advisory committees. Section 11 of this bill would extend immunity to the state ophthalmologist advisory committee for "any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by Section 11, nor a justification for such change to members of a particular health care advisory committee. Therefore, I have vetoed Section 11 of this bill.

With the exception of Sections 10 and 11, Substitute Senate Bill No. 5632 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 15, Engrossed Substitute Senate Bill No. 5256 entitled:

"AN ACT Relating to franchise investment protection."

Washington State's Franchise Investment Protection Act is an important consumer protection statute that, through protection of franchisees, has fostered a healthy business environment for reputable franchisors. Section 15 of this act would reduce the statute of limitations to only one year for an action by a franchisee for rescission based on failure of a franchisor to register. Further,

the statute of limitations would be reduced to three years for all other actions under RCW 19.100.190. Currently, the statute of limitations may vary between two and six years depending on judicial interpretation.

While I agree that providing greater certainty in the limitation of actions is desirable, the original Washington State Bar Association Franchise Act Revision Committee's recommendation provided for a more reasonable statute of limitations of two years for failure to register and four years for other actions. This initial recommendation was modified by the Legislature.

A veto of Section 15 is necessary to assure continued consumer protection. Some problems with franchise agreements may not arise during the first year. Experience has shown that franchisors who fail to register often have the weakest franchises to sell and do not provide the disclosures required by the Franchise Investment Protection Act, thus exposing the purchaser to unnecessary risk. Also, the one year statute of limitations could provide an incentive to unscrupulous franchisors to sell unregistered franchises hoping the year will pass before discovery of a problem and the franchisee's claim, however valid, will be barred from legal action.

With the exception of Section 15, Engrossed Substitute Senate Bill No. 5256 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5475

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 5 and 6, Senate Bill No. 5475 entitled:

"AN ACT Relating to higher education."

Section 5 of Senate Bill No. 5475 states the intent of the Legislature that sick leave policies be uniform and consistent for all faculty and administrators hired after May 1, 1992 at the state's community colleges, regional universities, state colleges and research universities. Section 6 requires the Higher Education Coordinating Board, in consultation with the State Board for Community College Education, to study institutional sick leave policies and recommend mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992.

The rationale for passing this legislation is not clear. The Legislative Budget Committee reviewed higher education sick leave policies in 1989 and concluded that, prior to modifying the sick leave policies, better data should be collected to permit informed decision-making. In 1990, a law was passed requiring the institutions of higher education to maintain complete and accurate

sick leave records. One year of data collection is insufficient to conclude that uniform and consistent sick leave policies are appropriate for the institutions of higher education. As the Legislative Budget Committee correctly observed in their report, sick leave benefits should be considered in the broader context of an overall compensation package, and compensation should be related to the complexity and amount of work assignments.

This legislation disregards the advice of the Legislative Budget Committee and inappropriately prescribes the outcome of the Higher Education Coordinating Board study required in Section 6.

For the reasons stated above, I have vetoed Sections 5 and 6 of Senate Bill No. 5475.

With the exception of Sections 5 and 6, Senate Bill No. 5475 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5474

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5474 entitled:

"AN ACT Relating to a data collection and reporting system on children's education and well-being."

This bill creates a task force with representation from a broad range of agencies to review available data sources related to children's programs and recommend methods to make such data more user-friendly to state and local policy makers. The bill also requires local school districts to report new information that will improve the accuracy of the state's annual report on drop out rates. Both objectives are to be commended and I am glad to add my support.

Section 5 of the bill, however, provides that the new reporting requirements will expire in 1994. The brief life of this reporting requirement makes it appear to be a pilot project and may cause some school districts to be hesitant about incorporating this data into their permanent data collection systems. If the state hopes to reduce its drop out rate, accurate data is essential. Eliminating Section 5 establishes these new reporting provisions as permanent requirements.

For the reasons stated above, I have vetoed Section 5 of Senate Bill No. 5474.

With the exception of Section 5, Senate Bill No. 5474 is approved.

Respectfully submitted,



BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5873

May 17, 1991

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Substitute Senate Bill No. 5873 entitled:

"AN ACT Relating to insurance coverage for retired and disabled school district employees."

Section 2 of this bill requires the Health Care Authority to conduct a study of considerable importance to retirees of the public school system and public policy makers. However, the bill does not provide that agency with either additional staff or adequate funds to support such an effort. The Fiscal Note reveals estimated costs of at least \$140,000.00 for the study. Funds for the agency to do the study do not appear in the operating budgets proposed by either the House or the Senate during the Regular Session and I cannot sign into law a requirement that would put the Health Care Authority at such risk.

I believe that a study of this nature should be undertaken, but not in the manner proposed. At the very least it should address the question of costs and access to health care benefits by the retirees of all public agencies, not just those in the public school system. The costs and needs of the respective public agencies must also be considered. It is unlikely that the comprehensive study that I believe to be necessary could be completed in only a four- to six-month time frame. The public policy issues are too important and the welfare of far too many individuals is at risk for this task to be addressed too hurriedly or on a piecemeal basis.

For the reasons stated, I have vetoed Section 2 of Substitute Senate Bill No. 5873.

With the exception of Section 2, Substitute Senate Bill No. 5873 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5148

May 17, 1991

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 8 and 9, Senate Bill No. 5148 entitled:

"AN ACT Relating to Limited Partnerships."

This legislation provides beneficial flexibility to limited partnerships so they can merge with each other or with corporations. Additional statutory changes clarify and add certainty to filing requirements.

Sections 8 and 9, however, would significantly change business operations in this state against the public interest. Limited partnerships evolved so certain business partners could invest with limited personal liability. In return for the limited liability these partners have been proscribed from engaging in certain managerial activities. This concept protects creditors, other limited partners, clients and others who do business with partnerships. The amendments in this bill turn this concept on its face and extend the liability shield for limited partners, while removing the limits on their managerial control of the business.

For these reasons, I have vetoed Sections 8 and 9 of Senate Bill No. 5148.

With the exception of Sections 8 and 9, Senate Bill No. 5148 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5558

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Senate Bill No. 5558, entitled:

"AN ACT Relating to child labor regulation."

This bill would authorize the Department of Labor and Industries to issue civil penalties for violations of the state's child labor laws. I strongly support this authority.

Section 1 of this bill would require the Department of Labor and Industries to replace existing rules governing the employment of minors with rules which are consistent with federal law. Section 1 also requires the Department of Labor and Industries to revise child labor rules in the future as necessary to remain consistent with federal law. These requirements would be an unacceptable abdication of the State's responsibility and duty to its children.

Section 1 may be an unconstitutional delegation of legislative authority. Even if Section 1 were upheld, provisions of state child labor law which were

inconsistent with federal law might be legally unenforceable, leaving the state with no law under which to enforce some areas of child labor.

Beyond the problems of authority and process, I also object to the policy implications of Section 1. Under current federal law, Section 1 might effectively repeal important state policies, such as regulation of the hours of employment for sixteen- and seventeen-year-old children. The state might also be required to repeal its regulation of meal and rest breaks for children. Further, Section 1 might place in jeopardy the state's newly enacted regulations of agricultural employment of children.

The remainder of the bill establishes new tools to protect our children from working conditions and hours of employment which are detrimental to their health, safety and education. It is crucial that the state be able to regulate hours of employment for children to ensure that education, not employment, is the first priority for Washington's children.

For the reasons stated, I have vetoed Section 1 of Senate Bill No. 5558.

With the exception of Section 1, Senate Bill No. 5558 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

#### MESSAGE FROM THE GOVERNOR

#### PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5670

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Substitute Senate Bill No. 5670, entitled:

"AN ACT Relating to screening and treatment of children for mental health services."

I am pleased with the efforts this year to organize an effective mental health system for children. The legislators involved have successfully passed thoughtful legislation which will improve the lives of children in our state.

Section 4 of this bill conflicts with Section 13 of Substitute House Bill No. 1608, in that it also requires a legislative report with plans for folding the Early Periodic Screening, Diagnosis and Treatment program into the children's mental health system. Substitute House Bill No. 1608 also contains language requiring an inventory of all children's mental health programs as well as proposals for reducing categorical barriers to serving children. These requirements will produce valuable products.

For that reason, I will sign that provision into law and have vetoed Section 4 of this bill. In doing so, I have directed the Office of Financial Management and the Department of Social and Health Services staff to develop a report that responds to the requirements in both bills.

With the exception of Section 4, Substitute Senate Bill No. 5670 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON SECOND SUBSTITUTE SENATE BILL NO. 5591

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 208, Second Substitute Senate Bill No. 5591 entitled:

"AN ACT Relating to the reduction of solid waste through recycling."

Sections 201-214 of Second Substitute Senate Bill No. 5591 relate to the creation of a new program within the Department of Trade and Economic Development called the Clean Washington Center, the activities of which will be conducted with the assistance of an advisory board set up by Section 204. Section 208 states that the Center may appoint advisory committees to assist in the development or implementation of the Center's work plan referenced in Section 205(9). Since the Center is a program within the Department of Trade and Economic Development, the director of the department has current statutory authorization to appoint advisory groups as appropriate and, therefore, Section 208 is not necessary. For this reason, I have vetoed Section 208.

With the exception of Section 208, Second Substitute Senate Bill No. 5591 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5411

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 25, Engrossed Substitute Senate Bill No. 5411 entitled:

"AN ACT Relating to the alleviation of flood damage."

Section 25 of Engrossed Substitute Senate Bill No. 5411 requires the Department of Natural Resources to not charge for removal of material from state-owned aquatic lands when such material is used for public purposes. Public purposes are defined by Section 25 to include construction, maintenance, improvement or repair of roads, dikes, and levees. Similar language is contained in Substitute House Bill No. 1864. For this reason I have vetoed Section 25 of this bill.

With the exception of Section 25, Engrossed Substitute Senate Bill No. 5411 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5170

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1 and 4, Senate Bill No. 5170 entitled:

"AN ACT Relating to district judges."

This bill reduces the number of district court judges in Pacific County from three to two and changes the salary setting authority for part-time district court judges' salaries from county commissions to the Citizens' Commission on Salaries.

Section 1 of the bill reduces the number of district court judges in Pacific County. Identical language is included in House Bill No. 1467 which I have signed.

Section 4 contains an emergency clause. If the emergency clause were to go into effect, the Citizens' Commission on Salaries would have only 13 days to analyze, determine a process, and set salaries for district court judges. I do not consider that sufficient time to properly address a potentially complex issue. By deleting the emergency clause, the salary commission will have time to evaluate the salary needs of part-time judges, take public testimony, and make appropriate salary determinations.

For the reasons stated, I have vetoed Sections 1 and 4 of Senate Bill No. 5170.

With the exception of Sections 1 and 4, Senate Bill No. 5170 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5082

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Substitute Senate Bill No. 5082 entitled:

"AN ACT Relating to professional salmon fishing guides."

This bill contains a provision repealing reciprocity with Idaho for fishing in the concurrent waters of Washington and Idaho on the Snake River. This repealer was added during the session when it became apparent that Idaho was acting inconsistently with the reciprocity agreement with respect to fishing guide licenses. Recently, Washington and Idaho wildlife agencies, the Idaho Guides Association, and the respective Attorney General's Offices have agreed to meet and discuss future actions regarding reciprocity between the two states on the Snake River. Due to this renewed cooperative arrangement, it is unnecessary to repeal the section relating to the reciprocity agreement. I expect that the two states can continue to work together in the future. Without such a cooperative agreement, residents wishing to fish on the concurrent waters of the Snake River would have been required to purchase licenses from both states. This would only cause confusion and animosity.

For these reasons, I have vetoed Section 4 of Substitute Senate Bill No. 5082.

With the exception of Section 4, Substitute Senate Bill No. 5082 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 entitled:

"AN ACT Relating to youth and family services."

This bill attempts to enhance early intervention services for at-risk youth and their families. Sections 2 and 3 specifically require expansion of family

reconciliation services to an additional 1,000 families per year, and the homebuilders program to 126 additional youth and families per year. These sections are contingent upon funding in the budget.

Because negotiations are still underway regarding the budget, the level of funding for these programs is uncertain. There are no assurances that the legislature will provide funds adequate to meet the specific service level increases required by this bill. Further, service levels can be itemized in a budget proviso and should not be set out in statute. These reasons require that I veto Sections 2 and 3.

Sections 17, 18, and 20 make reference to the items specified above. To avoid confusion, I am also vetoing these sections.

With the exception of Sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON SECOND SUBSTITUTE SENATE BILL NO. 5568

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 301 and 508, Second Substitute Senate Bill No. 5568, entitled:

"AN ACT Relating to hunger and nutrition."

I commend the Legislature for its focus on nutritional needs of our families, and especially for its intent to improve the health and functioning of children so they can succeed in the classroom.

Sections 301 and 302 appropriately support issuing food stamps to eligible families as soon as possible after they apply. The Department of Social and Health Services is committed to that policy and will issue food stamps within 24 hours if sufficient staff is provided. Section 301, however, contains a legal conclusion about noncompliance that may make the state vulnerable to lawsuit. For this reason, I have vetoed Section 301.

Section 508 would void the Section 402 requirement that the Office of Superintendent of Public Instruction aggressively solicit schools and organizations to participate in the nutrition programs. Even if reference and funds were not provided in the budget, aggressive solicitation should occur, especially since these programs are federally funded. This should be current policy, and I have therefore vetoed Section 508.

With the exception of Sections 301 and 508, Second Substitute Senate Bill No. 5568 is approved.

Respectfully submitted,

BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 entitled:

"AN ACT Relating to child support."

Any changes in the law affecting child support must focus on one issue - the well-being of the children. This was my overriding concern in the actions I have taken today; I used every means possible to maintain financial support for children.

Before 1988, our child support system was haphazard and many children received little or no financial support from the noncustodial parent. These families often ended up on public assistance, experiencing all of the pitfalls of poverty.

In 1988, we succeeded in enacting a new child support system. In 1989 Washington's noncustodial parents paid an average award of \$352 per month. That amount includes all payments ordered by the court for all children, including daycare, medical and education expenses. Noncustodial parents are paying an average of 26% of their incomes in child support. These are not unreasonable support awards.

I had these facts in mind when I reviewed this legislation, and I heard from numerous individuals and groups. I also had in mind the jeopardy our state faces with the potential loss of \$70 million in federal funds if we do not adopt a uniform economic table. These funds are essential to the well-being of children, since they fund our child support collection system.

I have said before that the child support system needed minor improvements and that it would be helpful if the legislature gave more clarity to the courts on how children in second families should be protected. Engrossed Second Substitute Senate Bill No. 5120 does not contain language on this issue. Some people have stated their belief that this legislation would put to rest issues related to child support. This is not the case. The issue of second families remains to be resolved.

The portions of this bill that are signed into law will improve the system of family court services and clarify procedures for the Office of Support Enforcement. Minor modifications will be easier to obtain and protections are added for disabled veterans.



I have vetoed certain sections for three reasons. Either they lower support to children unjustifiably, they egregiously impact families with children or they violate federal law.

Section 25, the new economic table, is signed into law. This uniform schedule will rectify the legal problems we have with the federal government. While it is imperative that the state have a uniform schedule, I am pleased that in Section 26 the Legislature obligates itself to periodically review this economic table.

Section 23 is vetoed because it states an intent that children must suffer from dissolution. Although that is unfortunately true in some situations, it is poor public policy to intend that it happen.

Sections 24, 28, 29, 32 and 50 are vetoed because they unjustifiably lower support to children. The new definition of "income" eliminates consideration of all overtime, second job income, contract-related benefits, gifts, prizes and bonuses, unless the judge makes an exception. The majority of support awards in the state could be lowered because of this change. I see no reason to use a definition that arbitrarily excludes as a benefit for children these very real types of resources that are available to parents.

Section 3 is vetoed because it is likely to have a negative impact on families with children. This section requires all periodic modifications to conform to the child support statutes. It then provides that any part of an existing dissolution decree that conflicts with the statute is "void". Custodial parents will be ordered to pay back support they received under legal court orders. This is an illegal retroactive modification and it would cause hardship to children.

Section 8 is vetoed because it overrules a child's right to private medical treatment in some situations. Children over age fourteen may receive medical treatment for sexually transmitted diseases and they may also use family planning services - all without parental consent. This amendment gives parents a right to those private medical records. Furthermore, there is great concern that the language would jeopardize child abuse investigations and domestic violence protections. I strongly support the right of both parents to have full and equal access to the education and available medical records of their children, but current law already gives them that right.

Section 34 limits a court's ability to order support for postsecondary education. Current law gives the court discretion to order support and tuition payments after considering the circumstances. This amendment prohibits a court from ordering noncustodial parents to pay tuition above that charged by the Washington university system to resident students. A child could very well live in another state where tuition is higher than our state charges. This type of cap unnecessarily limits the court's discretion and arbitrarily limits the options for children.

Sections 35, 36 and 53 change the way parents pay for extraordinary expenses and day care. The custodial parent would be required to pay these costs and bill the noncustodial parent. A custodial parent who lives in Washington, for instance, could have to pay for a roundtrip airline ticket to the state where the noncustodial parent lives, so the child could have visitation. All extra health expenses would be paid up front by the custodial parent. If

the bill isn't paid after 30 days, the custodial parent must use a time-consuming court process to collect. This is unreasonably harsh. Section 35 is the companion section that modifies the Office of Support Enforcement process regarding extraordinary expenses and section 53 is the accompanying null and void section.

Section 5 contains language to allow Desert Shield and Desert Storm participants a retroactive modification for the time they were on active duty. We all laud the efforts of these fine service persons, but retroactive modifications violate federal law and work an unreasonable hardship on custodial parents. Furthermore, the bill is written with timelines that preclude nearly two-thirds of these people from taking advantage of the adjustment.

Section 1 is vetoed because of the hardship this venue change would have on rural Washingtonians and on Lincoln County. Current law allows expedited dissolutions in situations where the parties agree. I see no reason to take away this convenience.

For the reasons stated above, I have vetoed Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Second Substitute Senate Bill No. 5120.

With the exception of Sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5149

July 2, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5149 entitled:

"AN ACT Relating to gifts and public office funds."

This bill represents a positive step in the area of public disclosure by requiring lobbyists and public officials to report certain gifts. The bill contains an emergency clause making the disclosure requirements effective immediately. The bill was originally proposed by the Public Disclosure Commission and did not contain any emergency clause. A short period of time is required to allow both the Commission and the approximately five thousand individuals affected by this bill to set up reporting procedures and record-keeping mechanisms. The Public Disclosure Commission agrees that a veto of the emergency clause is appropriate. For this reason, I have vetoed the emergency clause set out in section 5.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5149 is approved.

Respectfully submitted,  
Booth Gardner, Gardner

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE  
ON ENGROSSED SENATE BILL NO. 5985

July 2, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 4, Engrossed Senate Bill No. 5985, entitled:

"AN ACT Relating to higher education health care training."

In the 1991 Regular Legislative Session, the Legislature passed House Bill No. 1960, which I signed on May 21st. House Bill No. 1960 contained an emergency clause and a null and void clause tying the effectiveness of the bill to a specific proviso in the 1991-93 appropriation act. Engrossed Substitute House Bill No. 1330 (the 1991-93 appropriation act) contained a proviso for House Bill No. 1960, so when I signed Engrossed Substitute House Bill No. 1330 into law on June 30, 1991, chapter 332, laws of 1991 (House Bill No. 1960) was enacted.

Section 3 of Engrossed Senate Bill No. 5985 repeals section 45 of chapter 332, laws of 1991 (the uncodified null and void clause). Section 4 of Engrossed Substitute House Bill No. 5985 replaces it with a limited null and void clause. Because the conditions of section 45 of Chapter 332, Laws of 1991 were met on June 30th, neither section 3 nor section 4 of this bill would have any effect or purpose if signed into law. For this reason, I have vetoed sections 3 and 4 of Engrossed Senate Bill No. 5985.

With the exception of sections 3 and 4, Engrossed Senate Bill No. 5985 is approved.

Respectfully submitted,  
Booth Gardner, Governor

VETOED BILLSMESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5052

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5052, entitled:

"AN ACT Relating to collection of public debts."

This bill amends the definition of "claim" in the law regulating debt collection practices by expanding that definition to include court-ordered or contractual restitution and any legal financial obligations imposed under the Sentencing Reform Act. It also stipulates that the state and its political subdivisions may "assign" public debts only to licensed collection agencies. In addition, it may limit the authority of public agencies to contract with debt collection agencies by eliminating their power to "retain" these agencies to collect public debts.

It is difficult to argue with the apparent purpose of this legislation -- to expand protection of the public against illegal debt collection practices and ensure that disreputable companies are not allowed to engage in collection activities, when such activities are associated with state and local government agencies. The bill attempts to achieve these goals by requiring public agencies to use licensed collection agencies to collect legal financial obligations.

While the purpose of the legislation is laudable, its application would have negative effects on two pre-trial diversion or deferred prosecution programs in Whatcom and Pierce Counties. Prosecutors in those counties have contracted with a private organization to act on their behalf to manage a program that requires training and payment of restitution, in lieu of prosecution, for people who write bad checks. An effort to require the offender to pay the victim for the amount lost on the bad check is an important part of the program. The counties contract for this program because they do not have the personnel and resources to run the program internally. It provides a valuable law enforcement service to businesses that are plagued by bad checks.

The bill would eliminate the authority of the two counties to contract for this kind of program with someone other than a licensed collection agency. That would make it difficult, if not impossible, to carry out the program in its current form. Licensed collection agencies are prohibited by statute from threatening prosecution and using any official connection with a public agency while engaged in collection agency business. The organization that manages the deferred prosecution program for the Pierce and Whatcom County Prosecutors uses both of these techniques as integral parts of the program.

In addition, I understand the issue of the bill's impact on these kinds of deferred prosecution programs was not considered by the Legislature. The Pierce and Whatcom County Prosecutors were not made aware of the bill. If there is a concern about public agencies contracting out for these services, that issue should have been part of the legislative debate on this bill.

Finally, this bill eliminates current discretionary authority of public agencies to retain licensed collection agencies to collect public debts. I question the wisdom of reducing the flexibility of state and local government to enforce public obligations in this manner.

For these reasons, I have vetoed Substitute Senate Bill No. 5052 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5075

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 5075 entitled:

"AN ACT Relating to review of the Washington condominium act."

The Washington Condominium Act became effective in 1990. The act was passed after three years of intensive discussion by a previous statutory committee and numerous public hearings during the 1988 and 1989 legislative sessions.

Although there may be a need to amend some portions of the act, there is no need to create a cumbersome review process after only one year. The legislature updates major statutes as a matter of course, and the Washington State Bar Association has a review process underway already.

Finally, the committee is assigned broad tasks, including a review of the entire statutory scheme, yet the membership provides very limited representation to condominium purchasers.

For the reasons stated above, I have vetoed Senate Bill No. 5075.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5083

May 16, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Second Substitute Senate Bill No. 5083 entitled:

"AN ACT Relating to the reestablishment of salmon hatcheries."

Sections 1 and 2 of this legislation, although important, do not need to be set forth in state statute. The Department of Fisheries has pursued funding for the Toutle Hatchery from Congress in the past, and will continue to do so into the future.

The information requested in Section 3 to be submitted by the Department of Fisheries to the various legislative committees is already provided to the Legislature in preparing the biennial budget. It is unnecessary to codify a reporting function which is already standard procedure.

For these reasons, I have vetoed Second Substitute Senate Bill No. 5083 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5104

May 20, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5104 entitled:

"AN ACT Relating to pilot examinations."

This bill updates the Board of Pilotage Commissioners' pilot exam requirements to better reflect current needs. The same sections of law affected by this bill were also modified in a similar manner in Substitute House Bill No. 1027, which I have signed.

For this reason, I have vetoed Senate Bill No. 5104 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5442

May 20, 1991

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:

"AN ACT Relating to motorcycle permit restrictions."

This bill restricts issuance of a motorcycle instruction permit to individuals who have satisfactorily completed a motorcycle rider course or individuals who wish to change endorsement categories. Additionally, it removes the five-year experience standard on those who supervise a rider with an instruction permit.

Presently, the instruction permit is provided to a licensed driver as an opportunity to master his or her skills for riding a motorcycle under the supervision of a veteran motorcyclist prior to seeking the motorcycle license. Also, the department of licensing may require this person to pass the written portion of the motorcycle license examination prior to issuance of the instruction permit.

Enactment of this legislation amends the permitting process by requiring a motorcycle rider course prior to obtaining the motorcycle instruction permit. As such, a person would be required to locate a course, make an investment of time, and pay a \$30 fee. It is not clear that these courses are readily available in the various geographic locations of the state, as well as, conveniently accessible to the public. As a result, the proposed change may unintentionally lead to greater numbers of "un-permitted" or "unlicensed" riders on our roadways.

For these reasons, I have vetoed Senate Bill No. 5442, in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5585

May 21, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5585, entitled:

"AN ACT Relating to licenses to sell liquor in motels."

This bill creates a Class M liquor license that would permit small motels with three or more rooms to sell hard liquor, beer, and wine in locked honor bars located in the guest rooms. The purpose of this legislation is to provide clientele of small motels with the same in-room liquor sales amenities that large hotels provide their guests under a Class H license.

While the bill may provide convenience to some motel patrons, the potential problems it creates far outweigh its benefits. For example, the bill would expand opportunities for unsupervised access to alcohol by minors by enabling up to 1,200 small motels to sell liquor, beer, and wine in their rooms. This is an outcome that we cannot afford, given the severe problems our young people are having with alcohol consumption.

The bill also violates a long-established legal precedent in this state regarding alcohol beverage control. It permits the sale of liquor in establishments without restaurant food sales. The snacks that would be provided in the honor bars are not a sufficient substitute for normal food sales.

And finally, if only one-half of the small motels become licensees, the Liquor Control Board would be faced with 600 new retail liquor outlets requiring regulation and enforcement. Without additional funding and personnel, which is very uncertain at this stage in the budget process, this would be an unreasonable burden to place on an already over-burdened enforcement staff. Even if I agreed with the public policy of expanding liquor sales to small motels, it would be very risky for the state to assume this substantial regulatory responsibility without assurance of proper funding.

For these reasons, I have vetoed Senate Bill No. 5585 in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 5560

June 30, 1991

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5560 entitled:

"AN ACT Relating to enforcement of cigarette and tobacco statutes."

Senate Bill No. 5560 transfers the administration of various taxes relating to tobacco products from the Department of Revenue to the Liquor Control Board. The primary impetus for this bill was to increase state enforcement efforts with respect to collection of tobacco taxes, and thereby increase state revenue. To implement this program, it would be necessary to provide the Liquor Control Board with an additional large appropriation and a substantial increase in personnel.

During the 1991 session, I recommended legislation that would have modernized the management structure of the Liquor Control Board by providing it with a chief executive officer, which it currently lacks. The legislation also would have provided the agency with an integrated management structure. I believe both of these changes are needed before the



Liquor Control Board assumes additional enforcement responsibilities and substantially increases its staff. It simply does not make good management sense to burden an agency with more duties without first making the basic structural and organizational changes that will better enable it to handle those duties.

For these reasons, I have vetoed Senate Bill No. 5560 in its entirety.

Respectfully submitted,  
Booth Gardner, Governor

**SENATE BILLS PASSED  
BY BOTH SENATE AND HOUSE SHOWING THE  
ACTION BY THE GOVERNOR THEREON**

Fifty-Second Legislature  
1991 Regular Session  
1991 First Special Session

Senate No.	Status Title	Chapter No.	Effective Date
SSB 5003	Adult family homes/license	40	7/28/91
SB 5004	Public records as evidence	59	7/28/91
SSB 5008	Pac NW economic region	251	7/28/91
SSB 5010	Occptl thrypy/lmtd csly prgm	233	7/28/91
SB 5015	Landowner liability/vlnteers	69	7/28/91
2SSB 5022	Excellence in education prgm	255	5/17/91
SB 5023	Frivolous actions/expenses	70	7/28/91
E2SSB 5025	Youth and family services	364	PV 7/28/91
SSB 5027	Small claims limit raised	71	7/28/91
SSB 5030	Unauthrzd reprdctn/recording	38	7/28/91
SB 5036	Livestock market net worth	17	7/28/91
SB 5041	Motorcycle audio headset use	95	7/28/91
SB 5042	Efficiency/accountablty comm	53	7/28/91
SB 5043	Fax filing of election docs	186	7/28/91
SSB 5045	Drinking water quality	134	7/28/91
SB 5047	Designating a state tartan	62	7/28/91
SB 5049	Abandoned junk vehicles	292	7/28/91
SSB 5052	Collection of public debts		Vetoed
SB 5053	Juvenile driving privileges	260	7/28/91
SB 5075	Washington condominium act		Vetoed
SB 5077	Security interests recording	188	7/28/91
SSB 5082	Salmon fishing guides	362	PV 7/28/91
2SSB 5083	Salmon hatcheries		Vetoed
SSB 5090	Foster family home licenses	14	7/28/91
E2SSB 5096	Agriculture/adverse impacts	280	7/28/91
SB 5103	Engineer registration	19	7/28/91
SB 5104	Pilot examinations revisions		Vetoed
SSB 5106	Transportation budget	22	4/17/91
SB 5107	Corporations	72	7/28/91
SSB 5108	Prizes/promotional advertsgng	227	7/28/91
SSB 5110	Senior citizen/tax exemptns	203	5/16/91
SB 5111	Victims compensation account	133	7/28/91
E SSB 5114	Student transportation safty	166	7/28/91
E2SSB 5120	Child support guidelines	367	PV 9/1/91

PV - Partial Veto; E1 - 1st Special Sess.

2SSB 5124	Private security guards	334		7/28/91
2SSB 5127	Foster care citzn rev boards	127		5/10/91
SSB 5128	Witnes notifctn/drug offndrs	147		7/28/91
SB 5141	County commissioner boards	344		5/21/91
2SSB 5143	Recycled products procuremnt	297		7/28/91
SB 5147	Dispute resolution protection	321		5/21/91
SB 5148	Limited partnerships	269	PV	7/28/91
E SSB 5149	Gifts/public office funds	18	E1 PV	9/29/91
E SSB 5156	Candidate residency reqrmnts	178		7/28/91
2SSB 5167	Juvenile justice act	234		5/16/91
SB 5170	District judge numbers	338	PV	7/28/91
E SSB 5184	Work force training/education	238		7/28/91
	Sections 33, 114 and 142-144			5/17/91
	Sections 1-8, 14-19, 24-28			
	76-81, 85-111, 140, 141 and 164			7/1/91
	Sections 20-23, 29-32, 34-75,			
	82-84, 112, 113, 115-139 and			
	145-158			9/1/91
	Sections 8-13			10/1/91
SB 5190	School directors' associatn	66		7/28/91
SSB 5204	Practical nurse licensure	84		7/28/91
SB 5219	Baggage loss/damage liability	21		7/28/91
SB 5220	Railroad crossing inspection	46		7/28/91
SB 5221	Motor carriers contracts	41		7/28/91
SB 5231	Real estate continuing educ	225		7/28/91
E SSB 5245	State energy policy developmt	201		7/28/91
E SSB 5256	Franchise investment protect	226	PV	7/28/91
SSB 5260	Nonmunicipal water systems	100		7/28/91
SSB 5261	Fire equipment in schools	170		7/28/91
SB 5264	Community/urban forestry prg	179		7/28/91
SSB 5266	Suspended driver penalties	293		7/28/91
	Section 9			4/1/92
SSB 5276	Impounded vehicle dispositn	20		7/28/91
SSB 5288	American Vets Memorial Hwy	56		7/28/91
SB 5290	Valid driver's license	73		7/28/91
SSB 5295	Truck identification	241		7/28/91
SSB 5301	Pac ocean communt publ fact	331		7/28/91
E SB 5311	Bare-boat charter boats	45		7/28/91
SSB 5322	Building codes emerg exmptns	139		7/28/91
SSB 5332	Residential care/disabled	204		5/16/91
2SSB 5341	Foster parent liability ins	283		7/1/91
SSB 5357	Individuals or water purvyr	18		7/28/91
2SSB 5358	Water system interties	350		7/28/91
SSB 5359	Out-of-state teacher retirmt	278		5/20/91
E SSB 5363	Legal financial obligations	93		5/9/91
SB 5367	Recovered materials transprt	148		7/28/91
SSB 5374	Labor-managmnt cooperation	172		7/28/91

	SSB 5381	Veterinarians/legend drugs	47		7/28/91
	SSB 5383	Prevailing wage administratn	15		7/28/91
	SB 5391	Emergency adjudications/UTC	48		7/28/91
2E	SSB 5395	Biennial budget 1989-91	2	E1	6/14/91
E	SSB 5411	Flood damage alleviation	322	PV	7/28/91
		Section 22			5/21/91
	SSB 5418	Criminal justice work group	351		5/21/91
	SB 5434	Railroad regulatory authrty	49		7/28/91
	SB 5441	Bookmaking	261		7/28/91
	SB 5442	Motorcycle instruc permits		Vetoed	
	SB 5444	Check signature alterations	19	E1	9/29/91
	SB 5449	Discharged eductnl employees	102		7/28/91
	SSB 5450	Beer pasteurization	42		7/28/91
	SSB 5456	Community college tenure	294		7/1/91
	SSB 5466	Pharmacists liability limit	189		7/28/91
	SB 5473	Tort claims revolving fund	187		7/28/91
	SB 5474	Children data collection sys	235	PV	7/28/91
		Sections 1-3			5/16/91
	SB 5475	Honorary degrees	228	PV	7/28/91
E	SB 5476	Milk marketing	239		5/17/91
	SB 5477	Women's Air Forc/merch marin	240		7/28/91
	SSB 5478	Curbside recycling	298		7/28/91
E	SSB 5494	Collection of debts	168		7/28/91
	SSB 5497	Construction lien right	281		4/1/92
	SSB 5501	Commercial salmon lic trnsfr	144		7/28/91
	SSB 5504	Student teaching centers	258		7/28/91
	SB 5512	Sewer connection approval	190		7/28/91
	SSB 5518	Pay-per-call services regula	191		7/28/91
	SSB 5520	Wine shipment permits	149		7/28/91
	SB 5528	Local literacy programs	91		7/28/91
	SSB 5536	Hearing impaired telecom ser	121		7/28/91
E	SSB 5555	Timber areas assistance	315		5/21/91
		Section 4			7/1/91
	SB 5558	Child labor regulations	303	PV	7/28/91
		Sections 2 and 8			5/20/91
		Sections 3-7			4/1/92
	SB 5560	Liquor control board duties		Vetoed	
2SSB	5568	Hunger/nutritional problems	366	PV	7/1/91
	SSB 5577	Board of medical examiners	44		7/28/91
	SSB 5583	Child care facility fund	248		7/28/91
	SB 5585	Liquor sales in motels		Vetoed	
	SB 5586	State militia provisions	43		7/28/91
2SSB	5591	Comprehensive recycling prog	319	PV	5/21/91
	SSB 5611	Rental vehicles sales tax	244		7/28/91
	SSB 5612	Natural resources cons areas	352		7/28/91
	SSB 5613	Pawnbrokers/second-hand dirs	323		7/28/91
E	SSB 5624	Food fish resource protectn	279		7/28/91

PV - Partial Veto; E1 - 1st Special Sess.

SSB 5626	Hardwood commission	67		5/3/91
SSB 5628	Handlers crop liens	286		7/28/91
E SSB 5629	Animal facilities/illegl acts	325		5/21/91
SB 5630	Permits and licenses	50		7/28/91
SSB 5632	Ocularist apprenticeship	180	PV	7/28/91
SSB 5645	Low-level waste handlers	39		7/28/91
SB 5651	Little Spokane river	206		7/28/91
2SSB 5667	Evaluation/treatment access	262		5/17/91
SSB 5669	Housing trust fund priorities	295		7/28/91
SSB 5670	Children's mental health	306	PV	7/28/91
E SSB 5672	Antipsychotic medications	105		7/28/91
SB 5678	Wash national guard day	57		7/28/91
SB 5684	Nonresident pharmacy lcsnsg	87		10/1/91
SSB 5713	Agriculture dept licenses	109		7/28/91
SB 5718	Purple heart recipient day	20	E1	9/29/91
SSB 5720	Motorist information signs	94		7/28/91
SB 5722	Nat resources interest rates	64	PV	7/28/91
E SB 5745	Special amusement games licn	287		7/28/91
E SSB 5756	Low-level waste site rates	272		
	Sections 1-14 and 22			7/1/91
	Section 15			5/20/91
	Sections 16-21 and 23			1/1/93
SSB 5762	Water company safety imprvmt	150		7/28/91
SB 5766	At-risk youth academic excel	346		
	This act will become effective			
	when funds are made available			
	and only if funds are received			
	by 6/30/93.			
SB 5767	PUD borrowing and credit	74		7/28/91
E SSB 5770	Elec conservation/generation	122		7/28/91
SSB 5776	Alcoholic beverage control	192		7/28/91
SB 5778	Pesticide damage reports	263		5/17/91
SB 5779	Deaf/blind schools appoprtn	65		7/1/91
E SSB 5790	Auto liability insurance	25	E1	9/29/91
SSB 5796	Nursing assistant licensure	16		7/28/91
E SB 5801	State highway routes	342		4/1/92
	Sections 62 and 63			6/1/91
SSB 5806	Underground storage tanks	4		3/29/91
SB 5821	Air pollution control author	125		7/28/91
E SB 5824	Comm college summer courses	353		6/15/91
E SSB 5825	Offender firearm possession	221		7/28/91
2SSB 5830	Gang risk intervention prgms	296		7/28/91
SB 5834	Archiving methods	184		7/28/91
SSB 5835	Ski lift signs	75		7/28/91
E SSB 5837	Workers comp/employment comp	246		1/1/92
SSB 5873	Insurance/retired sch emplys	254	PV	7/28/91
2SSB 5882	Criminal property forfeiture	345		7/28/91

PV - Partial Veto; E1 - 1st Special Sess.

E SB 5906	Domestic violence victims	23		7/1/91
	Sections 10 and 11			4/22/91
SSB 5916	Foster care grievance procss	340		5/21/91
SSB 5928	Military residence taxes	52		4/26/91
E SB 5959	Public assistance eligibility	10	E1	7/1/91
E SB 5960	Capital budget	3	E1	6/18/91
SB 5982	Free/reduced meal funding	37		4/22/91
E SB 5985	Higher ed health care traing	27	E1 PV	9/29/91
SB 5988	Library improvement levies	17	E1	9/29/91
E SSB 5996	Child support guidelines	28	E1	9/1/91
SB 5997	Double amendments corrected	11	E1	
	Sections 1, 2 and 6			6/30/91
	Sections 3-5			9/1/91
E SB 5998	LEOFF/surviving spouse	12	E1	9/29/91

**SENATE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

Fifty-Second Legislature  
1991 Regular Session  
1991 First Special Session

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Senate No. Status Title

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**SENATE JOINT MEMORIALS**

SJM 8000 Seaward boundaries extension  
SJM 8006 Desert Storm troops thanked  
SJM 8009 HAMMER training cntr/Hanford  
SJM 8012 British Columbia sewage  
SJM 8015 Internatnl nautical meeting

**SENATE JOINT RESOLUTIONS**

SJR 8203 County "home rule" charter

**SENATE CONCURRENT RESOLUTIONS**

SCR 8415 Reintroduction of bills  
SCR 8416 Wa condominium task force  
SCR 8418 Return bills/house of origin

**HOUSE BILLS PASSED  
BY BOTH SENATE AND HOUSE SHOWING THE  
ACTION BY THE GOVERNOR THEREON**

Fifty-Second Legislature  
1991 Regular Session  
1991 First Special Session

House No.	Status Title	Chapter No.		Effective Date
SHB 1008	Over-the-counter meds labels	68		7/28/91
HB 1013	Newly incorporated cities	360	PV	5/21/91
SHB 1019	Aquifer depletion fees	151		7/28/91
HB 1024	LEOFF/driving record abstract	243		7/28/91
2E SHB 1025	Growth management strategies	32	E1 PV	7/16/91
E SHB 1027	Hazardous substance spills	200	PV	7/28/91
	Sections 101-429, 501-706, 805-807, 810-817 and 901-1118			5/15/91
	Sections 801-804, 808 and 809			10/1/91
	Sections 430-436			7/1/97
E SHB 1028	Changes in air quality laws	199	PV	5/15/91
	Sections 210 and 505			1/1/92
	Sections 602 and 603			7/1/92
	Sections 202-209			1/1/93
E SHB 1031	Water/sewer districts	82		7/28/91
HB 1032	Human remains/county transpn	176		7/28/91
HB 1040	Municipal utilities/adm cost	152		7/28/91
SHB 1050	Emerg med serv dist excs lev	138		7/28/91
SHB 1051	Student exchange organizatns	128	PV	1/1/92
SHB 1052	Public assistance provisions	126	PV	7/28/91
SHB 1054	Abuse reporting provisions	111		7/28/91
HB 1057	Lieutenant governor security	63		7/28/91
2E SHB 1058	Treasurer managd funds/accts	13	E1 PV	9/29/91
	Except for subsection (1) of Section 141, Sections 1-47, 49-64, 66-108, 110-122, but not effective for earnings on balances prior to 7/1/91			7/1/91
	Sections 48 and 109			9/1/91
	Section 65			1/1/92
	Sections 123-139, which shall be effective for earnings on			

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	balances beginning on 7/1/93			7/1/93
SHB 1059	Persnl prprty exmpt/judgmnt	112		7/28/91
HB 1060	Creditor notice/deceasd prsn	5		4/8/91
SHB 1062	Fiduciary power/divde trusts	6		7/28/91
HB 1063	Interest disclaimed/dispostn	7		7/28/91
E HB 1071	Precinct election officers	106		7/28/91
HB 1072	Election provisions changes	81		7/1/92
E SHB 1081	Bicycle safety program	214		7/28/91
SHB 1082	Information disclosure	79		7/28/91
E SHB 1088	Uniform transfers to minors	193		7/1/91
HB 1091	Uniform foreign-money claims	153		1/1/92
HB 1095	Funds transfers to the UCC	21	E1	9/29/91
E HB 1096	Smoke detection devices	154		7/28/91
E SHB 1105	Exempt property/execution	123		7/28/91
SHB 1112	Environmental interpretation	107		7/28/91
HB 1115	Health dept referenc revisns	3		7/28/91
E HB 1118	Bus length restrictions	113		7/28/91
E SHB 1120	Horse racing receipts	270		5/20/91
HB 1125	Vendor billing period	103		7/28/91
E SHB 1127	Superior court judge positions	299		7/28/91
	Sections 1, 3 and 5			7/1/91
	Section 2			1/1/92
	Section 4			7/1/92
E SHB 1136	Cosmetology regulations	324	PV	7/28/91
SHB 1137	Criminal justice purposes	311	PV	5/20/91
E HB 1139	Continuing education credit	155		7/28/91
SHB 1142	Processor/preparer liens	174		7/28/91
HB 1143	Honorary degrees	58		7/28/91
E HB 1156	Pest control inspectors	264		7/28/91
E SHB 1172	Student pedestrian safety	230		7/28/91
HB 1176	School board vacancies	60		7/28/91
E HB 1177	School board responsibilities	61		7/28/91
E SHB 1181	Private detectives licensing	328		7/28/91
SHB 1189	Deferred prosecution/costs	247		7/28/91
SHB 1194	Special districts	349		7/28/91
HB 1195	Irrigation districts	8		7/28/91
SHB 1196	Center environ/molecular sci	156		7/28/91
SHB 1200	Physical therapists	12		7/28/91
	Sections 1, 2 and 6			6/30/91
	Section 3			1/1/92
SHB 1201	County class references	363	PV	7/28/91
	Sections 28, 29, 33 and 131			7/1/92
	Section 47			7/1/93
HB 1206	Industrial insurance paymnts	88		7/28/91
SHB 1208	Forest fire suppression cmpt	131		7/28/91

E SHB 1211	Retirement benefits revision	365		7/28/91
E SHB 1214	Sick leave cash out	249		7/28/91
SHB 1222	School dist directors' dists	288		7/28/91
HB 1224	School district indebttness	114		7/28/91
E HB 1228	State government receivables	85		7/28/91
E SHB 1231	1991-93 transportatn budget	15	E1 PV	6/30/91
SHB 1243	Teacher preparation programs	259	PV	7/28/91
E HB 1244	Industrl insurnce payments	34		7/28/91
HB 1262	Tow truck restrictions	276		7/28/91
HB 1263	Citizenshp requermnt/teachers	115		5/9/91
HB 1264	Education code changes	116		7/28/91
SHB 1265	Dedications/subdivisions	132		7/28/91
HB 1267	Sanitary landfill reconvynce	10		7/28/91
SHB 1268	Retirement service credit	343		7/1/91
	Sections 3-11 and 14-18			9/1/91
SHB 1270	State retirement system	35		7/28/91
SHB 1274	Street utilities	141		5/10/91
E HB 1277	Geothermal account	76		7/28/91
E SHB 1287	Adoption provisions revisns	136		7/28/91
HB 1299	Senior citizens tax exemptns	213		5/16/91
SHB 1301	Prop tax administ practices	218		5/16/91
	Section 3			7/1/92
SHB 1304	Recycling in state parks	11		7/28/91
HB 1312	Campaign contribution rpts	157		7/28/91
SHB 1316	County treasurers	245		7/28/91
SHB 1317	Oxygen tax exemption	250		7/28/91
SHB 1326	Landlord drayage/storage fee	220		7/28/91
E SHB 1329	Special services demo projts	265		5/17/91
E SHB 1330	1991-93 biennium approptrns	16	E1 PV	7/1/91
	Section 916			6/30/91
SHB 1336	Prospective residntl tenants	194		7/28/91
HB 1339	Unemployment compensation	117		7/28/91
	Sections 1 and 4			7/1/91
	Section 3 for new claims			
	filed on or after 7/7/91			7/7/91
E SHB 1341	Timber-dependent communities	314		7/28/91
	Section 20			5/21/91
	Section 25			7/1/93
SHB 1342	Motor vehicle fuel/local tax	173		7/1/91
E HB 1352	L&I confidential information	89		7/28/91
HB 1355	Indust safety/health violtns	108		7/28/91
E SHB 1357	Public disclosure/tax info	330		7/28/91
SHB 1358	Unused sick leave/ed employes	92		7/28/91
HB 1364	Military leave/public employes	25		4/22/91

	HB 1371	Probation assessment provsns	104		7/28/91
	HB 1372	Interstate parole & probatn	77		7/28/91
E	HB 1376	Computer software taxation	29	E1	7/11/91
	HB 1377	Scoliosis screening program	86		7/28/91
E	SHB 1389	Aquatic plant regulation	302	PV	7/1/91
	HB 1400	Rural health care projects	224		7/28/91
	SHB 1401	Taxpayers' rights/responsblt Sections 9-11	142		7/28/91 1/1/92
	SHB 1416	Game fish mitigation	253		7/28/91
E	SHB 1426	WSU research/extension prgms	341		7/28/91
E	SHB 1427	Capital budget	14	E1 PV	6/30/91
E	HB 1428	Budget request requirements	284		7/28/91
2E	SHB 1430	General obligatn/revenu bnds	31	E1	7/11/91
	HB 1431	Model Traffic Ordinance Section 2	118		5/9/91 4/1/92
E	SHB 1440	Mobile home regulations	327		7/1/91
E	HB 1450	Safety testing lab tax credit	13		7/1/91
	SHB 1452	High-speed ground trans cmte	231		5/16/91
	SHB 1454	Underground storage tank law	83		7/28/91
	HB 1458	Limosine charter carriers	99		7/28/91
	SHB 1460	Drainage district alternatvs	28		7/28/91
	HB 1467	District court judges	354		7/28/91
	HB 1470	Public works projects approps	97		5/9/91
	HB 1480	Reciprocal insurers	266		7/28/91
	HB 1487	Check cashers and sellers	355		1/1/92
	HB 1489	Common carrier privacy	312		7/28/91
	SHB 1496	Real estate broker licenses	277		7/1/93
E	HB 1500	Jail labor pay increase	183		7/28/91
E	SHB 1510	Guardianship provisions	289		7/28/91
	SHB 1511	Domestic violence victims	1		3/1/91
	SHB 1525	Educ employees travel expens		Vetoed	
	HB 1527	Medical continuing education	195		7/28/91
E	SHB 1534	Sexual assault investigation	267		7/1/91
	HB 1536	Hospice services extension	119		5/9/91
	HB 1558	State patrol compens survey	196		7/28/91
E	SHB 1571	Election returns recount	90		7/28/91
E	HB 1572	Salmon for consumption label	232		7/28/91
	HB 1581	Utilities operation regulatn	101		7/28/91
	SHB 1586	Continuing care retirmnt com	158		7/28/91
	HB 1607	Delinquent service charges	36		7/28/91
E	SHB 1608	Children's services Sections 11-14	326	PV	7/28/91 5/21/91
E	SHB 1624	Housing trust fund provisns	356		7/28/91
	HB 1625	Agricultural employer report	31		7/28/91
	SHB 1629	Chiropractic practice	320		7/28/91

SHB 1635	Emergency medical services	175		7/28/91
HB 1642	Senior citizen tax relief	219		7/28/91
SHB 1649	Water discharge fees	307		7/28/91
2SHB 1671	Promoting growth strategies	202	PV	7/1/91
HB 1675	Civil docket prioritization	197		7/28/91
E SHB 1677	High capacity transportation	309		7/28/91
E SHB 1686	Inmate incentive program	256		5/17/91
SHB 1702	Beef commission composition	9		7/28/91
SHB 1704	Motor vehicle fuel tax	339	PV	7/28/91
	Sections 16 and 17			7/1/91
SHB 1709	Water system operating permt	304		7/28/91
SHB 1710	Water system operator licens	305		7/28/91
SHB 1712	Athlete agent registration	236		7/28/91
HB 1716	County recording procedures	26		7/28/91
SHB 1721	Judicial retirement system	159		7/28/91
E HB 1723	Excellence in higher ed fund	98		7/28/91
E SHB 1727	Interpreters/legal procdings	171		7/28/91
E SHB 1729	Juror list expansion	242		7/28/91
SHB 1739	Prop tax exemp/homeless hous	198		7/28/91
E HB 1740	Public housing authorities	167		7/28/91
SHB 1743	High-interest consumer loans	208		1/1/92
	Section 24			1/1/93
HB 1748	Small business export asstnc	177		7/28/91
HB 1757	Driving under influence/drug	290		7/28/91
SHB 1771	Transportation facilities	124		7/28/91
E SHB 1777	New prison construction	130		5/10/91
E SHB 1780	Criminal offender work crews	181		7/28/91
SHB 1782	County court commissioners	300		12/5/91
SHB 1789	Prescriptions/out-of-state	30		7/28/91
SHB 1800	International relations offc	24	PV	7/1/91
HB 1812	Woodland stewardship assistn	27		7/28/91
E SHB 1813	Teacher training/recruitment	285		7/28/91
HB 1818	Convention and trade center	2		3/13/91
SHB 1821	Fire protection sprinklr sys		Vetoed	
E SHB 1824	District court jurisdiction	33		7/28/91
SHB 1828	Health care records disclosr	335		7/28/91
SHB 1830	Child's statement admissblty	169		5/15/91
E SHB 1831	Ownership interest transfer	22	E1	7/2/91
SHB 1852	Fire services fund/fireworks	135		7/1/91
HB 1853	Nonprofit corp filing fees	223		7/1/91
E SHB 1856	Weights & measures statutes	23	E1	9/29/91
SHB 1858	Employee check cashing/city	185		7/28/91
SHB 1861	Osteopathic medicine/surgery	160		7/28/91
E SHB 1864	Sand and gravel removal	337		7/28/91
E SHB 1877	Olympic naturl resources ctr	316		7/28/91

HB 1878	Dealers' plates requirements	140		7/28/91
E SHB 1881	District court judges	313	PV	7/28/91
E HB 1883	Gasohol	145	PV	7/28/91
E SHB 1884	Domestic violence programs	301		7/28/91
	Section 14			5/20/91
SHB 1885	Teachers recruiting teachers	252		7/28/91
SHB 1886	Vehicular crimes/drug evaltn	348	PV	7/1/91
E HB 1890	Nursing home regulation	8	E1	7/1/91
HB 1891	Basic health plan/med asstnc	4	E1	7/1/91
E SHB 1907	Local gov self-insurance	30	E1	1/1/92
SHB 1909	Insurance company captial	5	E1	7/1/91
HB 1910	Medicare supplemental insur	120		7/28/91
SHB 1911	Massage practitioners licens	182		7/28/91
SHB 1915	Mental health programs/employ	29		7/28/91
SHB 1919	Vehicle insur/safety course	217		7/28/91
SHB 1931	Nonprofit raffle limits	161		7/28/91
SHB 1936	Undergraduate admissions	209		5/16/91
E SHB 1938	State-wide 911 network	329		7/28/91
	Sections 1-6 and 9-17 included in the referendum which is chapter 54, Laws of 1991			
HB 1946	Erwin O. Rieger Memorial Hwy	78		7/28/91
SHB 1954	Agricultural nuisances	317	PV	7/28/91
HB 1955	Misbranded/adulterated food	162		7/28/91
SHB 1956	Plant protection	257		5/17/91
SHB 1957	Food processing plant liscng	137		7/28/91
SHB 1958	Livestock brands requiremnts	110		7/28/91
E SHB 1960	Health professions practice	332	PV	5/21/91
SHB 1971	Alien insurers regulation	268		5/17/91
HB 1986	Dev disabled rights protectn	333		7/28/91
HB 1991	Vehicle size/weight rstrctns	143		7/28/91
HB 1992	Right of way acquisitions	291		7/28/91
SHB 1993	Stadiums/convention centers	357		5/21/91
HB 1995	Nonpowered vehicle equipment	163		7/28/91
SHB 1997	Sex offender registration	274		7/28/91
SHB 2005	Freight brokers/forwarders	146		7/28/91
HB 2021	Water resource policy commtt	273		7/28/91
E SHB 2026	Water resources manangement	347	PV	7/28/91
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E SHB 2027	Student tuition refund	164		5/10/91
HB 2037	Radiologic technologists	222		7/1/91
SHB 2042	Earnest money forfeiture	210		7/28/91
SHB 2044	Transportation imprvmnt brd	308		7/1/91
SHB 2048	Older physicians license fee	229		7/28/91
SHB 2050	County ferries subsidy	310		7/28/91

SHB 2056	Vital statistics regulation	96		7/28/91
HB 2057	Public facilities districts	207		7/28/91
E SHB 2058	Stat of limtatns/sex abuse	212		7/28/91
HB 2059	Low-income energy assistance	165		7/28/91
SHB 2069	Unemployment insur charges	129		7/28/91
E SHB 2071	Medical disciplinary board	215		7/28/91
HB 2073	Controlled substance sale	32		7/28/91
HB 2082	District court judges	361	PV	7/28/91
E HB 2093	Lodging excise tax uses	336		1/1/92
E SHB 2095	Veteran and family counseling	55		5/3/91
E SHB 2100	Nursing homes/ethnic minority	271		5/20/91
HB 2106	Shelters/state surplus propr	216		7/28/91
SHB 2132	Insurance salesperson/B&O tax	275		7/1/91
E SHB 2137	Carbonated beverage tax	80		6/1/91
SHB 2140	Transportation agencies plan	358		4/1/92
E HB 2141	State oral history program	237		7/1/91
HB 2142	Accumulated service credit	282		7/28/91
HB 2147	Lottery activity restrictns	359		5/21/91
E SHB 2151	High capacity transportation	318		7/28/91
HB 2163	Assault on law officer/agent	211		7/28/91
SHB 2187	Nonprofit orgs tax exemptns	51		4/26/91
HB 2198	Joint center/higher educatn	205		7/1/91
HB 2214	Muni criminal justice acct	26	E1 PV	7/2/91
E HB 2231	Fire sprinkler contractors	6	E1	6/30/91
E HB 2235	Hunting and fishing fees	7	E1	7/1/91
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HB 2242	Property tax/homes for aging	24	E1	7/2/91

**HOUSE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

Fifty-Second Legislature  
1991 Regular Session  
1991 First Special Session

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House No.    Status    Title

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HJM 4004    Ethanol content/motor fuel  
E HJM 4008    Driftnet ban  
E HJM 4011    Surface transport assist act  
E HJM 4012    Motor fuel tax moneys  
HJM 4015    Employer-provided transportn  
HJM 4016    Hanford rsrch/dvlpmnt center  
HJM 4020    Timber worker retraining

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SHJR 4221    Superior court jurisdiction

**HOUSE CONCURRENT RESOLUTIONS**

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HCR 4401    Leg ready conduct business  
HCR 4402    Estab legisltv cutoff dates  
HCR 4403    Memorial service  
HCR 4406    Joint rules amendment  
HCR 4408    Legislat Old Timers Reunion  
HCR 4409    Senator George Fleming  
HCR 4412    Washington 2000 committee  
HCR 4418    Open government committee  
HCR 4419    Transmittal of bills  
HCR 4420    Adjourn Sine Die  
HCR 4421    Leg ready conduct business  
HCR 4422    Pension options review  
HCR 4423    Adjourning Sine Die

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1063		
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1071		
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3rd Rdg. Final Passage . . . . .	1480	
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1073		
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1081 (Sub)		
Intro. & 1st Rdg. . . . .	1022	
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1082 (Sub)		
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1083		
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1084		
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1087		
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1088 (Sub)		
Intro. & 1st Rdg. . . . .	1158	
Committee Report . . . . .	1292	
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3rd Rdg. Final Passage . . . . .	1481	
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<b>C 193</b>		
1089		
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- 1091  
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- 1095  
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3867, 3934, 3971, 3973  
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- 1096  
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- 1102  
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- 1105 (Sub)  
Intro. & 1st Rdg. . . . . 1158  
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3rd Rdg. Final Passage. . 1404  
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C 123
- 1109 (Sub)  
Intro. & 1st Rdg. . . . . 286  
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- 1111 (Sub)  
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- 1112 (Sub)  
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C 107
- 1115  
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- 1116  
Intro. & 1st Rdg. . . . . 394  
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- 1118  
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- 1120 (Sub)  
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- 1122  
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- 1125  
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- 1126  
Intro. & 1st Rdg. . . . . 734  
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- 1127 (Sub)  
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- 1128  
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- 1131  
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- 1133 (Sub)  
Intro. & 1st Rdg. . . . . 1022  
Other Action . . . . . 997, 3599
- 1136 (Sub)  
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- 1137 (Sub)  
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- 1139  
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- 1142 (Sub)  
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. . . . . 3083, 3085  
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- 1143  
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- 1144  
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- 1145 (Sub)  
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- 1147  
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- 1151  
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- 1152  
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- 1153 (Sub)  
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- 1156  
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- 1158 (Sub)  
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- 1159  
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- 1172 (Sub)  
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- 1174 (Sub)  
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- 1177**  
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- 1180 (Sub)**  
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- 1181 (Sub)**  
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   3083, 3085  
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- 1182**  
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- 1183 (Sub)**  
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- 1185**  
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- 1186 (Sub)**  
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- 1189 (Sub)**  
 Intro. & 1st Rdg. . . . . 600  
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- 1190**  
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- 1193**  
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- 1194 (Sub)**  
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- 1195**  
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- 1196 (Sub)**  
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- 1198 (Sub)**  
 Intro. & 1st Rdg. . . . . 1023  
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- 1199 (Sub)**  
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- 1200 (Sub)**  
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- 1201 (Sub)**  
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- 1234 (Sub)  
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- 1237 (Sub)  
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- 1241 (Sub)  
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- 1243 (Sub)  
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- 1573 (Sub)  
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- 1578  
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- 1581  
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- 1586 (Sub)  
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- 1588 (Sub)  
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- 1598 (Sub)  
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- 1599 (Sub)  
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- 1607  
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- 1608 (Sub)  
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   **Partial Veto C 326**
- 1609 (Sub)  
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- 1610 (Sub)  
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- 1616 (Sub)  
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- 1624 (Sub)  
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- 1625  
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- 1627  
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- 1628 (Sub)  
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- 1629 (Sub)  
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   3513, 3531  
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- 1631 (Sub)  
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- 1634 (Sub)  
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- 1635 (Sub)  
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- 1636 (Sub)  
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1638 (Sub)	Other Action . . . . .	1156, 2156, 2838, 3513, 3531
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1647	1677 (Sub)	
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- 1704 (Sub)  
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- 1712 (Sub)  
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- 1715 (Sub)  
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- 1716  
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	<b>C 301</b>	1907 (Sub)	
1885 (Sub)		Intro. & 1st Rdg. . . . .	1027, 3868
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	<b>C 252</b>	1909 (Sub)	
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1910		1932 (Sub)	
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	<b>C 120</b>	Intro. & 1st Rdg. . . . .	1088
1911 (Sub)		Other Action . . . . .	1082, 3603
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	<b>C 182</b>	Other Action . . . . .	998, 2838, 3513, 3532
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- Minors, restrictions relating to minors on premises where liquor is served: HB 1084
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- Outdoor advertising of alcohol products prohibited, civil penalties: SB 5692
- Raffles, alcoholic beverages in unopened containers as prizes, when allowed: \*SSB 5776, CH 192 (1991)
- Seized liquor, disposal by agency seizing the liquor: HB 1049
- Wine produced in Washington, made into sparkling wine out-of-state, and returned for sale considered Washington product: SB 5776, \*SSB 5776, CH 192 (1991)
- Wine shipments to residents from state with reciprocal shipping privilege allowed, limitations, labeling requirement: SB 5520, \*SSB 5520, CH 149 (1991)
- Wine, "table wine" to contain no more than fourteen percent of alcohol by volume: SB 5776, \*SSB 5776, CH 192 (1991)

## **ALCOHOLISM (See ALCOHOL AND DRUG ABUSE)**

### **ALDRICH, DEBBIE**

Trustee, Skagit Valley Community College District No. 4, GA  
9000..... 23

### **ALLADO, QUEENIE**

Reappointed Member, Parks and Recreation Commission, GA 9049,  
Confirmed. . . . . 117, 351

**AMONDSON, SENATOR NEIL**

Appointed Environment and Natural Resources, Health and Long-Term  
Committees . . . . . 49  
Replaced Senator Sellar on Committee on Transportation . . . . . 1798

**ANDERSON, JULI VRAVES**

Reappointed Member, Gambling Commission, GA 9050,  
Confirmed. . . . . 2833, 3058

**ANDERSON, KEITH**

Member, Juvenile Disposition Standards Commission, GA 9166,  
Confirmed. . . . . 643, 1727, 1728, 1830

**ANDERSON, SENATOR ANN**

Oath of Office. . . . . 7  
Appointed Agriculture and Water Resources, Vice Chair; Commerce and  
Labor, Vice Chair; Education and Rules Committees . . . . . 49  
Point of Order, Amendment to SB 5375 . . . . . 761  
Point of Order, Amendment to HB 1355 . . . . . 1603  
Appointed Leap Committee. . . . . 3511  
Personal Privilege, Twelfth Wedding Anniversary. . . . . 4187

**ANDRYCH, JAMES**

Member, Western State Hospital Advisory Board, GA 9051,  
Confirmed. . . . . 189, 336

**ANIMALS (See also DOGS)**

Animal control authorities, authority to regulate dangerous and potentially  
dangerous dogs: SHB 1462, SB 5038, SSB 5038  
Animal facilities, unlawful acts against defined, penalties: SB 5629, \*SSB  
5629, CH 325 (1991)  
Dogs, judicial or administrative hearing to determine if dangerous,  
procedure established: SHB 1462  
Dogs, regulation of dangerous and potentially dangerous dogs: SHB 1462,  
SB 5038, SSB 5038  
Pet deposits, deposit not to exceed initial one hundred dollars and monthly  
payments of thirty dollars until deposit paid: SB 5886  
Pet deposits, tenants in low-income, elderly, or handicapped housing,  
deposit not to exceed initial fifty dollars and monthly payments of ten  
dollars until deposit paid: SB 5886  
Research facilities, injunctive relief to prevent occurrence of intentional  
tort against: \*SSB 5629, CH 325 (1991)  
Research facilities, joint and several liability for intentional torts against:  
\*SSB 5629, CH 325 (1991)

\* - Passed Leg.; E1 - 1st Special Session

**ANTIPSYCHOTIC MEDICATIONS**

Involuntary administration, conditions warranting involuntary administration, revised provisions: SB 5672, \*SSB 5672, CH 105 (1991)

**APPLE BLOSSOM ROYALTY**

Queen Holly Lane Introduced and Addressed Senate. . . . . 310  
Princesses Shanna Grant and Fabiola Barbosa Introduced. . . . . 310

**APPLIANCES**

Electronic equipment warranties, requirements: SHB 1399

**APPRENTICES**

Gang risk prevention and intervention pilot programs, provision of apprenticeship program services as part of: SB 5830, SSB 5830, \*2SSB 5830, CH 296 (1991)

Prevailing rates, determination of rate when employed on public works project: SB 5556

**AQUACULTURE**

Agricultural nuisances, freshwater fish and fish products included in definitions relating to: \*SHB 1954, CH 317 (1991)

Aquatic animal health and disease training program: SB 5198

Aquatic animal health diagnostic and extension laboratory and certification service: SB 5198

Coho salmon enhancement floating pen project: SB 5014, SSB 5014

Game fish mitigation program, purchase of game fish from private sources for stocking purposes: \*SHB 1416, CH 253 (1991)

Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343

Mitigation requirements to protect and propagate fish, plan to meet requirements fully: \*SHB 1416, CH 253 (1991), SB 5343

Net pen waste disposal permits not required for pens producing less than twenty thousand pounds of fin fish annually: SB 5269, SSB 5269

Pink salmon, department of fisheries to improve fishery through use of "Alaska" method: SB 5059

Regional fisheries enhancement groups, participation in coho salmon enhancement floating pen project: SB 5014, SSB 5014

Shoreline aquaculture appeals to be heard in superior court: SB 5011

**AQUIFER PROTECTION AREAS**

Fees, authority to impose fees for construction of public water systems: \*SHB 1019, CH 151 (1991)

Fees, authority to impose fees for monitoring and protection of subterranean waters: \*SHB 1019, CH 151 (1991)

**ARBITRATION**

Alternative dispute resolution, provisions for: SB 5163

Certificated employees contract negotiations, interest arbitration panel decision final and binding: SB 5738

Certificated school employees contract negotiations, mediation and factfinding to be completed before July 15th of year contract will expire: SB 5738

Mandatory, award cap set: SB 5063

Mandatory, district court civil actions subject to same extent as superior court civil actions, exceptions: SHB 1825

Mandatory, lien foreclosure, claim amount raised to fifty thousand dollars: SHB 1825

Municipal corporation or transit employees' union may demand if agreement is not negotiated within sixty days: HB 1348

Public transportation systems, mediation and arbitration provisions when collective bargaining agreement cannot be negotiated within time limits: SB 5594

**ARCHITECTS**

Public contracts for services, negotiation policy not applicable to public works of less than fifteen thousand dollars: SB 5750

Registration provisions revised: SB 5793

**ARCHIVES AND RECORD MANAGEMENT**

Photographic, optical, electronic, and other images of public documents and records, state archivist's rulemaking authority: \*SB 5834, CH 184 (1991)

**ASBESTOS**

Projects, fines may be waived if failure to comply was unintentional: SB 5741

**ASBY, JACK A.**

Member, Western State Hospital Advisory Board, GA 9053,  
Confirmed. . . . . 189, 352

**ATHLETES AND ATHLETICS (See SPORTS)****ATHLETIC COMMISSION**

Athletic agents, licensing requirements, prohibited acts and practices: SB 5735

**ATTORNEY GENERAL**

Adult family home, duties regarding injunctive or other process against unlicensed operation of: SB 5003, \*SSB 5003, CH 40 (1991)

- Civil rights division, establishment in the office of the attorney general, functions, powers, and duties: SB 5599
- Consumer and business dispute resolution act, duties: SB 5280, SSB 5280
- Consumer dispute resolution centers, duties regarding: SB 5280, SSB 5280
- Crime Stoppers assistance office created in attorney general's office: SB 5031, SSB 5031
- Criminal profiteering and drug asset forfeiture laws, assistance to local governments and state agencies in utilizing: \*SSB 5882, CH 345 (1991)
- Drug asset forfeiture and criminal profiteering laws, assistance to local governments and state agencies in utilizing: \*SSB 5882, CH 345 (1991)
- Drug asset forfeiture and criminal profiteering unit established, duties: SB 5882
- Initiative and referendum ballot titles, concise statement of nature of proposed law prepared by attorney general: SB 5303, SSB 5303
- Narcotics and criminal profiteering unit to be established, duties of unit: SSB 5882
- Oil company pricing practices, regulation of, duties: SB 5313
- Petroleum industry acquisitions and mergers, notice to and review by the attorney general: SB 5547
- Petroleum marketing practices, regulation of unfair practices: SB 5547
- Private property, to develop process for state and local governments to evaluate whether action may constitute an unconstitutional taking: \*SHB 1025, CH 32 E1 (1991)
- Student government political activities, use of higher education institution's facilities, attorney general to review policies: SHB 2118
- Taking of private property, establishes a process to determine when a taking has occurred, duties: SB 5122, SB 5419
- Tort claims against state, duty to prepare annual comprehensive summary of all cases closed in previous year: SSB 5721

## ATTORNEYS

- Fees and costs, assessment against state when not prevailing party in civil action, necessary conditions: SSB 5289
- Fees, award when, except for torts, state or subdivision is not prevailing party in a civil action: SB 5289
- Fees, workers' compensation disability payments, amount subject to collection by office of support enforcement, inclusion of share of fees and costs: SB 5869

## AUBURN HIGH SCHOOL

- Lady Trojans Basketball Team Introduced, SR 1991-8638 . . . . . 1020

## AUCTIONS AND AUCTIONEERS

Business and occupation tax exemption for auction sales by nonprofit organizations: \*SHB 2187, CH 51 (1991)  
 Nonprofit organizations, business and occupation and sales tax exemptions for sales by: \*SHB 2187, CH 51 (1991)  
 Sales by lot, oral notification required before bidding commences: SB 5686  
 Sales tax exemption for auction sales conducted by nonprofit organizations: \*SHB 2187, CH 51 (1991)

**AUDITORS AND AUDITING**

State agencies, internal audit requirements: SB 5643, SSB 5643

**AUTOMOBILES (See MOTOR VEHICLES)**

**AUTOPSIES**

Sudden infant death syndrome, autopsy required when suspected: SB 5542

**BAIL, KATHRYN S.**

Reappointed Chair, Indeterminate Sentence Review Board,  
 GA 9181 . . . . . 3620

**BAILEY, SENATOR CLIFF**

Appointed Education Chair, Agriculture and Water Resources and  
 Ways and Means Committees . . . . . 49

**BALLASIOTES, IDA**

Member, Sentencing Guidelines Commission, GA 9142,  
 Confirmed. . . . . 30, 163, 742

**BALLOONS**

Release of lighter than air balloons prohibited: HB 1033, SB 5453

**BANKING, SUPERVISOR OF**

Check cashers and sellers, licensing of, duties: \*HB 1487, CH 355 (1991)  
 Consumer loans, higher interest rates authorized for borrowers who represent a higher than average credit risk, licensing and practice requirements, duties: \*SHB 1743, CH 208 (1991)  
 Supervisor of banking changed to supervisor of financial institutions: SB 5737

**BANKS AND BANKING**

Account information may be disclosed to law enforcement agencies pursuant to unpaid dishonored items, records certificate form: SB 5494, \*SSB 5494, CH 168 (1991)  
 Dishonored checks, financial institution may provide holder of check with copy of drawer's statement of account, conditions and restrictions: \*SSB 5494, CH 168 (1991)

\* - Passed Leg.; E1 - 1st Special Session



- Dishonored checks, notice of dishonor to contain caution that law enforcement agencies may be provided copy of notice: \*SSB 5494, CH 168 (1991)
- Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737
- Employees may report financial transactions to law enforcement agencies if unlawful activity is suspected, records certificate form: SB 5494, \*SSB 5494, CH 168 (1991)
- Funds transfers, adoption of uniform commercial code article regarding: \*HB 1095, CH 21 E1 (1991)
- Insurance services offered by bank allowed only for residents of city where bank is located: SB 5874
- RCW 11.92.095 repealed: SB 6008
- Reporting of unauthorized signatures and alterations, time for reporting extended to one year: \*SB 5444, CH 19 E1 (1991)
- Reporting of unauthorized signatures or alterations, time for reporting by natural person extended to one year: \*SB 5444, CH 19 E1 (1991)
- Unauthorized signatures and alterations, reporting time extended to one year: \*SB 5444, CH 19 E1 (1991)
- Unauthorized signatures and alterations, time for reporting by natural person extended to one year: \*SB 5444, CH 19 E1 (1991)

**BARBOSA, FABIOLA**

- Apple Blossom Princess Introduced . . . . . 310

**BARLOW, MAJOR GENERAL GREGORY**

- Commandant, Washington National Guard, Introduced and Addressed Senate . . . . . 810

**BARNES, RAMON, L.**

- Reappointed Trustee, Pierce Community College District No. 11, GA 9054, Confirmed. . . . . 131, 381

**BARR, SENATOR SCOTT**

- Oath of Office. . . . . 7
- Appointed Agriculture and Water Resources, Chair; Environment and Natural Resources and Transportation Committees. . . . . 49
- Personal Privilege, Recognition of Students from Mukilteo . . . . . 310
- Point of Order, Amendments to SSB 5411 . . . . . 707
- Point of Order, Amendments to 2SSB 5096 . . . . . 713
- Appointed Member Legislative Budget Committee . . . . . 3511

**BAUER, SENATOR ALBERT**

- Appointed Higher Education, Rules, Ways and Means Committees. . 49
- Parliamentary Inquiry, Requests Notification of Do Concur and Do Not Concur in House Amendments . . . . . 2538

\* - Passed Leg.; E1 - 1st Special Session

Appointed Legislative Budget Committee . . . . . 3511

### **BEEF COMMISSION**

Membership, additional dairy (beef) producer position created: \*SHB 1702, CH 9 (1991)

### **BEEES AND BEEKEEPING**

Bee pests and diseases, exclusion system to include investigation, quarantine measures, penalties for holding or transporting: \*SHB 1956, CH 257 (1991)

### **BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8**

Dennis Uyemura, Trustee, GA 9043 . . . . . 28

### **BENITZ, SENATOR MAX**

Former Senator, 8th District, Letter of Replacement . . . . . 3

### **BERKHOLTZ, KAREN**

Deputy of Upper House of Parliament in Republic of Latvia  
Introduced. . . . . 518

### **BEVERAGE CONTAINERS**

Carbonated beverage tax, labeling requirements: \*SHB 2137, CH 80 (1991)

### **BICYCLES**

Safety instruction required in grades kindergarten through six: SB 5115, SSB 5115

Safety program: \*SHB 1081, CH 214 (1991)

Transportation management program: \*SHB 1081, CH 214 (1991)

### **BIDS AND BIDDING**

In-state contractors, to receive preference for public works contracts: SB 5176

Public works, preference for resident contractors based on preference given nonresident contractors bidding for contracts in their own state: SB 5233

State building leases to be let in compliance with lowest responsible bidder statutes: SB 5230

### **BIG BEND COMMUNITY COLLEGE DISTRICT NO. 18**

Dr. Daniel Deane, Reappointed Trustee, GA 9009,  
Confirmed. . . . . 23, 231, 288

Harry Yamamoto, Reappointed Trustee, GA 9139, Resigned . . 132, 641

### **BIRTH CERTIFICATES (See VITAL RECORDS)**

### **BLANCARD, BRAD**

Appointed Director, Department of Information Services,  
 GA 9180 . . . . . 3619

**BLIND**

Braille instruction to be provided blind students: SB 5284  
 Braille instruction, school districts to increase efforts to provide instruction  
 in braille to blind students in district: SSB 5284  
 Real property acquired for institutional purposes or the benefit of disabled  
 persons, management plan requirements: SB 5332, \*SSB 5332, CH  
 204 (1991)

**BLIND, STATE SCHOOL FOR**

Jeanne A. Pelkey, Reappointed Trustee, GA 9030,  
 Confirmed . . . . . 21, 1323, 1359  
 Cynthia L. Roney, Trustee, GA 9031 . . . . . 21  
 Appropriations to be made directly to school: \*SB 5779, CH 65 (1991)  
 Braille instruction to be provided blind students: SB 5284  
 Braille instruction, to increase efforts to provide instruction in braille to  
 students: SSB 5284

**BLOOD**

Directed blood donations & donor programs; request of donors: SB 5283

**BLUECHEL, SENATOR ALAN (See also VICE PRESIDENT PRO  
 TEMPORE, RULINGS AND REPLIES BY THE VICE PRESIDENT  
 PRO TEMPORE, PARLIAMENTARY INQUIRIES)**

Oath of Office . . . . . 7  
 Elected Vice President Pro Tempore . . . . . 11  
 Appointed Commerce and Labor, Higher Education, Rules and Ways  
 and Means Committees . . . . . 49  
 Introduced Guests from Western Council of State Governments . . 382

**BOATS**

Boat trailers, annual fee of three dollars deposited to freshwater aquatic  
 weeds account: \*SHB 1389, CH 302 (1991)  
 Charter boats, bare-boat charters exempted from charter boat safety act  
 provisions: \*SB 5311, CH 45 (1991)  
 Confidential vessel registrations, department of licensing authorized to  
 issue to local, state, and federal law enforcement agencies: \*SHB  
 1704, CH 339 (1991)  
 Dealers, deposit of sums in excess of one thousand dollars or to be held  
 more than fourteen days in trust account: \*SHB 1704, CH 339 (1991)  
 Intoxication, changing blood and breath standard for persons under  
 twenty-one: HB 1151, SB 5069  
 Intoxication, changing blood and breath standards: SSB 5069  
 Intoxication, standard for measuring intoxication: SB 5067

\* - Passed Leg.; E1 - 1st Special Session

Licensing and registration requirements, revised provisions: SHB 1703  
 Transfer of ownership, notification of department of licensing, revised requirements: \*SHB 1704, CH 339 (1991)  
 Vessel exempt from registration, revised provisions: \*SHB 1704, CH 339 (1991)

**BOND, SCOTT**

Member, Eastern State Hospital Advisory Board, GA 9055,  
 Confirmed. . . . . 189, 403

**BONDS**

Challenges to elections that concern bonds or levies must commence within one hundred eighty days of election: SHB 1827  
 Challenges to elections that concern bonds or levies must commence within thirty days of election: SB 5502  
 General obligation bonds, authority to issue to fund projects authorized in the 1991-93 capital and operating budgets: SB 5393  
 General obligation bonds, authority to issue, authorized amount: \*SHB 1430, CH 31 E1 (1991)  
 School capital construction project bonds, "support of common schools" defined to include payment of principal and interest on: \*SHB 1430, CH 31 E1 (1991)  
 School district's authority to contract indebtedness and issue bonds without voter approval extended: \*HB 1224, CH 114 (1991), SB 5192  
 Wildlife capital project bonds, moneys in state wildlife fund may be used for payment of principal and interest on: \*SHB 1430, CH 31 E1 (1991)

**BOUNDARY REVIEW BOARDS**

Abolishment in county when specified conditions occur: SHB 1015  
 Dissolution of, county may disband when it has adopted a comprehensive plan and consistent development regulations: \*SHB 1025, CH 32 E1 (1991), SB 5809, SB 5941  
 Election of members required: SB 5133  
 Elimination of boundary review boards: SB 5138  
 Members to be chosen by election: SB 5133  
 Members, per diem compensation increased: SSB 5020  
 Urban growth areas, duty to evaluate whether annexation or incorporation is consistent with local designations and plans: \*SHB 1025, CH 32 E1 (1991), SB 5369, SB 5809

**BOY SCOUTS**

Eagle Scouts Dustin Mead and Michael Farthing  
 Presented Colors. . . . . 275  
 Eagle Scout Tyler DeLane Introduced and Addressed Senate. . . . 275  
 Boy Scouts in Gallery Introduced. . . . . 275

\* - Passed Leg.; E1 - 1st Special Session

**BOYD, KAY**

Lacey Mayor, Introduced and Welcomed Senators to Olympia. . . . 14

**BRANTNER, JACK**

1991 National Honor Roll of Science Teachers, Introduced - SR 1991-8664 . . . . . 1936

**BRAVO COMPANY, MARINE RESERVE UNIT**

Captain Jean T. Malone, Introduced and Addressed Senate . . . . 1655  
 First Sergeant Randy Wilcox, Introduced . . . . . 1655  
 Lance Corporal Darren L. Mihelich, Introduced . . . . . 1655  
 Lance Corporal Jed C. Odenrider, Introduced . . . . . 1655

**BREMERTON, CITY OF**

Mayor Louis Mentor, Introduced - SR 1991-8631 . . . . . 946

**BRIDGES**

Department of transportation, designation of bridges remaining the responsibility of the department: \*SB 5801, CH 342 (1991)  
 Hood Canal bridge, Puget Sound capital construction and ferry operations accounts, removal of provisions relating to: SB 5945

**BRISBOIS, AL**

Trustee, Eastern Washington University, GA 9001,  
 Confirmed. . . . . 19, 388, 601

**BROOKS, DR. DEAN K.**

Chair, Western State Hospital Advisory Board, GA 9057,  
 Confirmed. . . . . 189, 404

**BURNS, THOMAS M.**

Reappointed Member, Personnel Board, GA 9143 . . . . . 31

**BUDGET**

Budget stabilization account, appropriations, conditions: SB 5970  
 Capital appropriations and expenditures monitoring, data capture requirements: \*SHB 2140, CH 358 (1991)  
 Capital budget, appropriation bill to include estimated general fund debt service costs: \*HB 1428, CH 284 (1991)  
 Capital budget, fiscal biennium 1991-93: \*SHB 1427, CH 14 E1 (1991), SB 5394  
 Capital budget, proposed spending plan to include at least four fiscal periods succeeding next fiscal period: \*HB 1428, CH 284 (1991), SB 5610  
 Capital budget, supplemental, for the 1989-91 biennium: HB 2206, SB 5392, \*SB 5960, CH 3 E1 (1991)

- Capital project appropriation to non-state entity, office of financial management to develop spending method guidelines: \*HB 1428, CH 284 (1991)
- Capital projects, disbursement of state funds in proportion to matching funds or other contributions required: \*HB 1428, CH 284 (1991)
- General obligation bonds, authority to issue to fund projects authorized in 1991-93 capital and operating budgets: SB 5393
- Higher education budget process created: SB 5709
- Higher education, state operating budget for to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- K-12 education, state operating budget for to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Operating budget for K-12 education to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Operating budget for higher education to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- Operating budget, fiscal biennium 1991-93: \*SHB 1330, CH 16 E1 (1991), SB 5396
- Operating budget, supplemental, 1989-91 fiscal biennium: HB 1331, SB 5395, \*SSB 5395, CH 2 E1 (1991)
- Transportation agencies, six-year program and financial plans, revised requirements: \*SHB 2140, CH 358 (1991)
- Transportation budget for biennium ending June 30, 1993: \*SHB 1231, CH 15 E1 (1991)
- Transportation budget, 1991 supplemental budget: SB 5106, \*SSB 5106, CH 22 (1991)

#### **BUILDING CODE COUNCIL**

- Building technologies advisory board, council to provide information to state and local regulators: SB 5786
- Building technologies advisory board, duties: SB 5786
- Energy code, amendments to state energy code for nonresidential buildings, requirements for amendments: HB 2061, SB 5770, \*SSB 5770, CH 122 (1991)
- Radon testing for newly constructed residences, administrative duties: SHB 1535
- Recycled building materials, to study building code changes to encourage greater use of: SB 5143, SSB 5143, \*2SSB 5143, CH 297 (1991)
- Solid waste and recyclable materials collection, space allocation standards, council duties, requirements: HB 2039
- Water conservation performance standards, plumbing fixtures to meet standards, testing and identification requirements: \*SHB 2026, CH 347 (1991), SB 5690, SB 5736

#### **BUILDING CODES/PERMITS**

- Emergency exemptions from building codes, housing for indigent persons, conditions for granting: SB 5322, \*SSB 5322, CH 139 (1991)

- Indigent persons, emergency exemptions from building codes for housing for, conditions for granting: SB 5322, \*SSB 5322, CH 139 (1991)
- Underground storage tanks, provisions of fire code not directly in conflict with rules regulating tanks remain in force: \*SHB 1454, CH 83 (1991)
- Water supply, proof of adequate supply prior to permit issuance, state and local governments may agree to exempt some areas from requirement: \*SHB 1025, CH 32 E1 (1991)
- Women's public restrooms, public assembly buildings to comply with state building code requirements: HB 1144

## **BUILDINGS**

- Energy code for new nonresidential buildings, adoption of Washington state energy code, 1986 edition as amended: \*SSB 5770, CH 122 (1991)
- Energy code, amendments to state energy code for nonresidential buildings, requirements for amendments: HB 2061, SB 5770, \*SSB 5770, CH 122 (1991)
- Radon testing for newly constructed residences: SHB 1535

## **BUSES**

- Length restrictions: \*HB 1118, CH 113 (1991)
- School buses, natural gas as fuel, report on benefits, costs, and safety risks: \*SHB 1028, CH 199 (1991)

## **BUSINESSES**

- Business-school partnerships, employers encouraged to give release time for, annual award to be established: SSB 5234, 2SSB 5234
- Consumer and business dispute resolution act: SB 5280, SSB 5280
- Credit card users, merchants prohibited from obtaining personal identification information from: SB 5002
- Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SB 5768, SSB 5768
- Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526
- Merchants prohibited from obtaining personal identification information from credit card users: SB 5002
- Oil companies, price regulation: SB 5313
- Pawnbrokers and second-hand dealers, regulation revisions: SB 5613, \*SSB 5613, CH 323 (1991)
- Private enterprise review commission created, membership and duties: SB 5507, SSB 5507
- Real estate excise tax, ownership transfer through stock transfer or purchase, subject to: \*SHB 1831, CH 22 E1 (1991)

- Regulatory agency to recognize existing industry practices that satisfy all or part of regulatory goal: SB 5786
- Small business financing expanded: SB 5787
- Small businesses, government regulation of, study to review impact on small businesses: SB 5700
- Small businesses, regulatory agencies to assist small businesses in understanding basis for agency actions: SB 5786
- State agency competition with private enterprise prohibited: SB 5507, SSB 5507
- Weights and measures statutes revised: \*SHB 1856, CH 23 E1 (1991), SB 5785
- Weights and measures, study by department of agriculture of program necessary to protect consumers and business: \*SHB 1856, CH 23 E1 (1991)

## CAMPAIGNS

- Campaign contribution limitations: SB 5864, SSB 5864
- Contribution limits and reporting requirements: SB 5895
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617
- Contributions, special report requirements: \*HB 1312, CH 157 (1991)
- Contributions, spending limits, and partial public financing of campaigns for state office: SHB 1434, SB 5883
- Contributions, state elected officials and legislators prohibited from soliciting or accepting during legislative session: SB 5424
- Crimes, false political advertising, penalties: SB 5171
- Drug testing required for state elective office candidates: SB 5227
- Fair campaign practices, violations, penalties increased and extended to consultants employed by candidate: SB 5312
- Filing fees, candidate without sufficient assets to pay, submission of information supporting claim, review procedures: SB 5619
- Finance reporting requirements, revised provisions: SB 5150
- Loans, considered as contribution and subject to limitations on contributions, required conditions: SB 5864, SSB 5864
- Political advertising undertaken as independent expenditure, required disclosures: SB 5864, SSB 5864
- Political advertising, false advertising, penalties: SB 5171
- Political contributions, limiting contributions to provide fair and equal opportunity to participate in government and elections: SB 5864, SSB 5864
- Political expenditures and contribution reporting, revised provisions: SB 5864, SSB 5864
- Senate Bill 5149, amending the cutoff resolution, House Concurrent Resolution 4402, to allow consideration of: SCR 8406
- Solicitation of campaign contributions, limitations on: SB 5864, SSB 5864



**CAMPBELL, PHYLLIS J.**

Member, Board of Regents, Washington State University, GA 9140,  
 Confirmed . . . . . 29, 389, 818

**CANCER**

Law enforcement officers and fire fighters, heart disease and cancer  
 presumed to be occupational diseases: SB 5044

**CANDIDATES (See also CAMPAIGNS, ELECTIONS)**

Voter registration, candidate must be registered in area subdivision where  
 nominated: SHB 1209

**CANTU, SENATOR EMILIO**

Appointed Higher Education, Rules and Ways and Means  
 Committees . . . . . 49  
 Point of Order, Amendment to SB 5195 . . . . . 145  
 Appointed Member Leap Committee . . . . . 3511

**CAPITOL CAMPUS**

Firearms prohibited in state capitol buildings: SHB 1202

**CARLSON, DAVID L.**

Reappointed Member, Indeterminate Sentence Review Board, GA  
 9059, Confirmed . . . . . 279, 1283

**CARLSON, LUCILLE**

Reappointed Member, Board of Tax Appeals, GA 9172 . . . . . 1276

**CARTER, HONORABLE DR. DAVID J.**

Speaker of the Legislative Assembly of Alberta Introduced and  
 Addressed Senate . . . . . 449

**CEMETERIES**

National cemetery in Washington state, congress requested to establish:  
 SJM 8019  
 Regulatory charge to be based on each internment, entombment, and  
 inurement, increase limit of twenty-five percent per year: HB 1447

**CENSUS**

Municipal annexation, population determination of area may be derived  
 from previous year's census data, conditions: SB 5550

**CENTER FOR VOLUNTARY ACTION**

Citizen service, state support for, center activities and duties: HB 1147

**CENTRAL WASHINGTON UNIVERSITY**

- Frank R. Sanchez, Trustee, Central Washington University, GA 9032,  
 Confirmed. . . . . 19, 232, 311  
 Enrollment, state-funded enrollment level increased: SB 5174, SSB 5174  
 Enrollment, state-funded enrollment level increased, funding provisions: SB  
 5814  
 Honorary degrees, authority to award, conditions: \*HB 1143, CH 58  
 (1991), \*SB 5475, CH 228 (1991)

**CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12**

- Deanna Cook, Reappointed Trustee,  
 GA 9005, Confirmed. . . . . 23, 231, 247

**CHACON, PETER G.**

- Member, Human Rights Commission, GA 9002, Resigned . . . . . 22

**CHAPLAINS**

- Employment by health care facilities, constitutional amendment to allow:  
 SSJR 8208  
 Employment by public health care facilities, constitutional amendment to  
 allow: SHJR 4216  
 Employment by state agencies, municipalities and health care facilities,  
 constitutional amendment to allow: SJR 8208  
 Public hospital district employment: SHB 1651, SB 5241

**CHARITABLE ORGANIZATIONS**

- Fund raising events, reference to fund raising events removed from list of  
 gambling games authorized for these groups to conduct: SB 5772, SB  
 5940  
 Raffles, tax exemption on income from raffles not exceeding ten thousand  
 dollars per year: \*SHB 1931, CH 161 (1991)

**CHECK CASHING**

- Check cashers and sellers, licensing requirements: \*HB 1487, CH 355  
 (1991)  
 Pawnbrokers and second-hand dealers, check cashers and sellers on same  
 premises prohibited: \*HB 1487, CH 355 (1991)

**CHECKS**

- Dishonored checks, damages amount raised to three hundred dollars or  
 three times face value, whichever is less: \*SSB 5494, CH 168 (1991)  
 Dishonored checks, financial institution may provide holder of check with  
 copy of drawer's statement of account, conditions and restrictions:  
 \*SSB 5494, CH 168 (1991)  
 Dishonored checks, notice of dishonor to contain caution that law  
 enforcement agencies may be provided copy of notice: \*SSB 5494,  
 CH 168 (1991)

Unauthorized signatures and alterations, time for reporting by natural person extended to one year: \*SB 5444, CH 19 E1 (1991)

### **CHILD ABUSE**

- Community-based family support center program: SHB 1714
- Council for prevention of child abuse to receive funds from the sale of heirloom birth certificates: SHB 2084
- Financial responsibility for treatment of person removed from home, offender's responsibility for payment: SB 5942
- School staff, professional practices unit to investigate suspected acts of child abuse or neglect by certificated staff: SSB 5543
- School staff, professional standards unit to investigate suspected acts of child abuse or neglect by: SB 5543
- Sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
- Sexual abuse, clarification of the application of the statute of limitations to cases involving: \*SHB 2058, CH 212 (1991), SB 5811
- Teacher certification, professional preparation program in child abuse issues required for: HB 1985

### **CHILD CARE (See DAY CARE)**

### **CHILD CUSTODY**

- Parenting plan that provides child most contact with both parents to be preferred: SB 5742
- Parenting plan, modification of, grounds for minor changes: HB 1087
- Parenting plans, mutual decision-making authority, revised provisions relating to: SB 5847
- Parenting plans, preference for joint parenting to encourage cooperation between parents and contact by both parents with child: SB 5847
- Parenting plans, revised provisions relating to determination of more fit parent, relocation with children, and tax exemptions: SB 5847

### **CHILD SUPPORT**

- Actions to change, modify, or enforce final orders regarding child support may be brought in county where children reside: SHB 2154
- Automatic periodic adjustments or modifications of child support, decree may require: \*SSB 5996, CH 28 E1 (1991)
- Economic table adopted: SB 5120, SSB 5120, \*2SSB 5120, CH 367 (1991)
- Economic table or standards in chapter 26.19 RCW, modification of child support order based on changes in, twenty-four month limit on seeking: \*SSB 5996, CH 28 E1 (1991)
- Family court and family court services expanded, revised provisions: SHB 2155

- Food stamps, income exempted by federal law not to be considered in determining need or eligibility: HB 1152, SB 5568, SSB 5568, \*2SSB 5568, CH 366 (1991), SB 5921
- Guidelines, revised provisions: SB 5120, SSB 5120, \*2SSB 5120, CH 367 (1991)
- Guidelines, standards for determination of income: SB 5996, \*SSB 5996, CH 28 E1 (1991)
- Guidelines, standards for deviation from standard calculation: SB 5996, \*SSB 5996, CH 28 E1 (1991)
- Income withholding actions or alternate arrangements, revised provisions: SHB 2153
- Modification actions, filing, service, and response requirements, revised provisions: SHB 2154
- Payroll deductions, when office of support enforcement authorized to issue, court may authorize alternative payment plan: SHB 2153
- Proceedings may be filed in superior court of county in which the petitioner resides: SHB 2154
- Schedule, revised provisions: SB 5120, SSB 5120, \*2SSB 5120, CH 367 (1991)
- Stepparent obligation to stepchildren ended: SB 5866
- Wage assignment orders, revised provisions: SHB 2153
- Worker's compensation disability payments, amount subject to collection by the office of support enforcement, inclusion of share of fees and costs: SB 5869

## CHILDREN

- Abuse reporting, requirements: \*SHB 1054, CH 111 (1991), SB 5087
- Adolescents, community-based program for teen success established, pilot projects authorized: SB 5885, SSB 5885
- Alcohol and drug abuse, treatment services for minors incapacitated by: SHB 1158
- Assessment of children in care to determine appropriate level of residential and treatment services: \*SHB 1608, CH 326 (1991)
- At-risk youth committee, interdivisional committee to plan and coordinate department of social and health services activities: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- At-risk youth, continuum of services pilot project, program requirements: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- At-risk youth, family reconciliation act, review task force created: SHB 1901
- At-risk youth, family reconciliation act, review task force membership to reflect racial diversity of juveniles served: SHB 1901
- At-risk youth, family support worker program in schools established: SHB 1543
- At-risk youth, services to, expansion and evaluation of services offered: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)

- Background checks on applicants for employment and volunteers who may have unsupervised access to children, revised provisions: SB 5931
- Behavioral sciences institute homebuilders program, expansion: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- Child labor law education office created to assist employers in meeting child labor law standards: SB 5517
- Child poverty assessment and assistance act: SB 5854
- Child poverty project coordinating council created, development, implementation, and assessment of project: SB 5854
- Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854
- Child welfare cases, citizen review board to review periodically: SB 5749
- Child welfare cases, citizens' oversight board to review periodically: SSB 5749
- Citizen review board to review child welfare cases, membership and responsibilities: SB 5749
- Citizens' review board to review child welfare cases periodically: SSB 5749
- Collection and reporting of data on children's education and well-being, task force on, membership and duties: \*SB 5474, CH 235 (1991)
- Community child poverty project created, state assistance and funding: SB 5854
- Community mobilization program for teens, funding and coordination of six projects to meet the needs of teens: SHB 1390
- Crimes against, child molestation in the first degree, perpetrator must be at least twenty-four months older than victim: SB 5275
- Crimes against, communication with a minor for immoral purposes: SB 5346, SSB 5346
- Crimes against, exploitation of minors by sexual conduct or materials: SB 5166
- Crimes against, sexual assault, program to provide additional protection to children: \*SHB 1534, CH 267 (1991), SB 5361, SSB 5361
- Crisis residential centers, data collection and placement tracking, department of social and health services duties: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- Crisis residential centers, staffing and licensing provisions revised: \*SHB 1608, CH 326 (1991)
- Cultural awareness retreats, provision as part of gang risk prevention and intervention pilot programs: SSB 5830, \*2SSB 5830, CH 296 (1991)
- Cultural shock retreats, provision as part of gang risk prevention and intervention pilot programs: SB 5830
- Deaf youth, pilot project for troubled deaf youth, advisory board to oversee: SB 5179
- Dependent children, performance agreements to ensure permanent placements for: SB 5079

- Dependent children, transitional living services for: \*SHB 1608, CH 326 (1991), SB 5201, SSB 5201
- Disabled or special needs infants and toddlers, early intervention services for: SB 5538, SSB 5538
- Disposable diapers, sale and disposal of banned: SB 5687
- Driving privileges of juvenile, revocation based on local ordinance: \*SB 5053, CH 260 (1991)
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 5129
- Drug exposed infants, program to assess and monitor: SB 5193, SSB 5193
- Early childhood education, availability to eligible children not served by federal program: SB 5095
- Early childhood education, preschool education assistance: SB 5279
- Early childhood interagency coordinating councils, state and county, membership and duties: SB 5538, SSB 5538
- Early intervention services for infants and toddlers with disabilities or special needs: SB 5538, SSB 5538
- Educational records, access to be provided to each parent, definitions added: \*SSB 5996, CH 28 E1 (1991)
- Employee may use sick leave to care for child under one year of age: HB 1347
- Employment, hours of work, child labor standards enforcement: SHB 1471, SB 5404
- Employment, safety and health, child labor standards enforcement, penalties: SB 5405
- Employment, wage payments, child labor standards enforcement, penalties: SB 5405
- Evidence, admission of child's statement regarding attempted acts of sexual contact: SB 5065, SSB 5065
- Family reconciliation services to be available during evenings and weekends: \*SHB 1608, CH 326 (1991)
- Family reconciliation services, evaluation by department of social and health services: \*2SSB 5025, CH 364 (1991)
- Family reconciliation services, expansion of services and evaluation by department of social and health services: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- Firearms, unlawful storage, penalties for allowing minors easy access: SHB 1900
- Galactosemia, screening of newborn infants for: SB 5455
- Gang risk prevention and intervention pilot programs, development and implementation of community-based programs: SB 5830, SSB 5830, \*2SSB 5830, CH 296 (1991)
- Guardianship, family court may appoint guardian to represent interests of minor or dependent child in proceedings: SHB 2155
- Homeless children, specialized child care and respite care authorized for children of homeless parents: SSB 5653

- Involuntary treatment of minors with substance abuse problems or mental disorders, procedures: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- Involuntary treatment of minors with substance abuse problems, procedures: \*2SSB 5025, CH 364 (1991)
- Juvenile issues task force created, membership and duties: SB 5167, SSB 5167, \*2SSB 5167, CH 234 (1991)
- Juvenile serious habitual offender program established, provisions: SB 5739, SSB 5739
- Labor laws, enforcement, penalties for violations: SB 5154, \*SB 5558, CH 303 (1991)
- Liquor, restrictions relating to minors on premises where liquor is served: HB 1084
- Long-term care of children pilot project, two facilities to be established: SB 5495
- Long-term care of children, policy to incorporate family resource options and involvement: SB 5820, SSB 5820
- Long-term care policy for special needs child and family to be developed: SB 5748, SSB 5748
- Mental health delivery systems, development and implementation of: \*SHB 1608, CH 326 (1991), SHB 1609
- Mental health services under public assistance programs and regional support networks increased: SHB 1609
- Mental health services, biennial inventory to be conducted by office of financial management: \*SHB 1608, CH 326 (1991), SHB 1609
- Mental health, early identification and treatment of severely emotionally disturbed children: SB 5670, \*SSB 5670, CH 306 (1991)
- Minors, restrictions relating to minors on premises where liquor is served: HB 1084
- Murder when victim sixteen years old or younger basis for charge of murder in the first degree: SB 5781
- Out-of-home placements, monitoring requirements: SB 5061
- Parental action for loss of services and support of child, revised provisions: SSB 5506
- Performance agreements to ensure permanent placements for dependent children: SB 5079
- Permanent placements for dependent children, goal of placement with biological or adoptive family as soon as possible: SB 5665, SSB 5665
- Preschool state education and assistance program, revised provisions and appropriation to fund: SB 5382, SSB 5382
- Removal from home, circumstances warranting, "manifest danger" defined: SB 5320
- Sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
- Sexual abuse, monitoring of conversations regarding sexual abuse of child authorized, procedure: SB 5905

- Sexual contact, admission of child's statement regarding attempted acts of:  
SB 5065, SSB 5065
- Substance abusers, task force on children of, membership and duties: SHB  
1109
- Sudden infant death syndrome and other sudden, unexplained child deaths,  
training of first responders, coroners, and others: \*HB 1032, CH 176  
(1991), SSB 5542
- Sudden infant death syndrome, autopsy required when suspected: SB 5542
- Teens, community mobilization program for, funding and coordination of  
six projects to meet the needs of teens: SHB 1390
- Termination of parental rights, conditions warranting permanency plan that  
seeks termination: SB 5665, SSB 5665
- Therapeutic family home program for up to fifteen youth in department  
of social and health services custody: \*SHB 1608, CH 326 (1991)
- Tobacco products purchase and use by minors, state board of health  
authorized to adopt rules to control: SHB 1158
- Tobacco, prevention of tobacco-caused disease, programs to reduce use by  
youth and to promote tobacco use reduction: SB 5567, SSB 5567
- Transfers to minors, adoption of uniform act: \*SHB 1088, CH 193 (1991)
- Transitional living services for minors: \*SHB 1608, CH 326 (1991), SB  
5201, SSB 5201
- Uniform transfers to minors act: \*SHB 1088, CH 193 (1991)
- Youth in crisis, tracking system for youth in crisis residential centers: SB  
5025

### CHIROPRACTORS

- Licensing requirements and terminology, revised provisions: \*SHB 1629,  
CH 320 (1991)
- Peer review committee established, membership and duties: SB 5792, SSB  
5792, 2SSB 5792
- Peer review for evaluation of appropriateness and quality of services  
rendered patient: \*SHB 1629, CH 320 (1991)
- Workers' compensation, chiropractic services included in services provided:  
HB 1627

### CHLOROFLUOROCARBONS

- Polystyrene products, use in food service and packaging prohibited on  
ferries and in ferry terminals: SB 5855, SSB 5855
- Refrigerant and other uses restricted: \*SHB 1028, CH 199 (1991), SB  
5326
- Uses restricted: SB 5032, SSB 5032, 2SSB 5032

### CHOE, MARTHA

- Reappointed Trustee, Western Washington University, GA 9003,  
Confirmed. . . . . 28, 130, 247

### CIGARETTES



- Cigarette sales enforcement fund, licensing fees deposited in: SB 5259
- Enforcement of cigarette and tobacco laws, powers and duties transferred to liquor control board: SB 5560
- Outdoor advertising of tobacco products prohibited, civil penalties: SB 5692
- Purchase and use by minors, state board of health authorized to adopt rules to control: SHB 1158
- Sale below cost in wholesale and retail trade prohibited: SB 5259
- Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567

## CITIES AND TOWNS

- Administrative procedure act, local regulators bear burden of proof for reason for state standards variance: SB 5786
- Affordable housing provision to be part of growth management planning: \*SHB 1025, CH 32 E1 (1991)
- Affordable housing, zoning variance to allow second-family residential units on existing single-family lots, conditions: SB 5810, SSB 5810
- Annexation, population determination of area may be derived from previous year's census data, conditions: SB 5550
- Arterials, access management policies, guidelines required: \*2SHB 1671, CH 202 (1991)
- Boundaries, current and accurate information to be provided to county auditor and secretary of state: SHB 1209
- Chaplains, employment, constitutional amendment to allow: SJR 8208
- Checks, drafts, and warrants of employees may be cashed by cities and towns: \*SHB 1858, CH 185 (1991)
- Collection agencies, assignment of public debts for collection: SB 5052, SSB 5052
- Collective bargaining, correctional employees and radio dispatch personnel included in definition of "uniformed personnel": SHB 1959
- Community municipal corporations, organization in conjunction with the consolidation of two or more cities: HB 1760
- Commute trip reduction, local government responsibilities: \*SHB 1028, CH 199 (1991), SB 5326
- Commuting, reduction of single occupant vehicle commuting, duty of local governments to plan and implement: \*2SHB 1671, CH 202 (1991)
- Comprehensive flood control management plan, cities and towns must participate in county plan: SHB 1490
- Comprehensive plans adopted under growth management act, required elements, internal consistency required: \*SHB 1025, CH 32 E1 (1991)
- Conflicts of interest by former municipal employee defined and prohibited: HB 1131
- Consolidation of two or more cities, organization of community municipal corporation in conjunction with: HB 1760

- Correctional employees and radio dispatch personnel, included in definition of "uniformed personnel" for collective bargaining: SHB 1959
- Criminal justice assistance, "criminal justice purposes" defined for local government assistance purposes: \*SHB 1137, CH 311 (1991), SB 5185, SSB 5185
- Criminal penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Desert Shield, health and retirement coverage continued for employees called to active service: SB 5092, SSB 5092
- Electrical facilities, placement of, procedures: SHB 1198, SB 5714
- Electrical substations, procedures for obtaining permit to locate: SHB 1198, SB 5714
- Employee checks, drafts, and warrants may be cashed by cities and towns: \*SHB 1858, CH 185 (1991)
- Employees, conflicts of interest by former municipal employee defined and prohibited: HB 1131
- Energy facility site certification, applicant to furnish information requested by city: SB 5884
- Energy facility site certification, applicant to pay city's cost of processing: SB 5884
- Festivals, lodging tax proceeds may be used for the promotion of community-oriented festivals: SB 5930
- Fire protection, separate contract between city or town and state agency allowed: SB 5947
- First class cities, additional transportation authority granted: \*SHB 1771, CH 124 (1991)
- First-time homebuyers, city or town may provide loans and financial assistance, conditions: HB 2115
- Flood control maintenance and enhancement, options expanded: SB 5817
- Flood control, comprehensive state program of flood control management and protection in cooperation with counties and cities: \*SSB 5411, CH 322 (1991)
- Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
- Geographic information systems, authority to recover costs of building and maintaining systems: SHB 1752
- Geographic information systems, joint development and use contracts authorized: SHB 1752
- Growth management act, noncompliance by state agency, county, or city, governor may impose fiscal sanctions: \*SHB 1025, CH 32 E1 (1991)
- Growth management act, revised provisions for counties and cities planning under: \*SHB 1025, CH 32 E1 (1991)
- High capacity transportation programs, revised provisions: \*SHB 1677, CH 309 (1991)
- High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948

- High capacity transportation taxing authority, revised population criteria:  
\*SHB 1677, CH 309 (1991)
- Home heating assistance for low-income persons extended to June 30,  
1995: SB 5904
- Impact fees, cities and counties authorized to impose on development  
activities for specified purposes: \*SHB 1025, CH 32 E1 (1991)
- Impact fees, new growth and development may pay proportionate share of  
cost of new child care facilities and services needed as result of  
growth: SB 5408
- Incorporation elections, three-year ban on new elections when  
incorporation is not approved, application limited: SB 5139
- Incorporation, officers, powers, and duties in newly incorporated cities and  
towns during interim period: \*HB 1013, CH 360 (1991)
- Incorporation, prohibition on new election following failed incorporation  
election, revised provisions: \*HB 1013, CH 360 (1991)
- Invalid local laws, revision of, obligation to attempt to cure defect, burden  
of proof on locality in challenge to revised law: SB 5570
- Juvenile driving privileges, revocation based on local ordinance: \*SB 5053,  
CH 260 (1991)
- Library improvements tax levies authorized by voter approval prior to  
1988 may be levied as authorized: \*SB 5988, CH 17 E1 (1991)
- Lodging tax, certain cities in first class counties authorized to impose tax  
to fund tourist-related activities: HB 2180
- Massage practitioners, restrictions on city and county licensing authority  
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- Mobile home parks, land use requirements, application to certain cities and  
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- Moratoria or interim zoning, state standards established to minimize  
impacts and avoid litigation: SB 5727, SSB 5727
- Motor vehicle and special fuel, border cities may impose local tax for city  
street maintenance and construction: \*SHB 1342, CH 173 (1991)
- Municipal corporations, community, organization in conjunction with the  
consolidation of two or more cities: HB 1760
- Newly incorporated cities and towns, special provisions relating to officers,  
powers, and duties during interim period: \*HB 1013, CH 360 (1991)
- Northern Ireland, investment of pension funds in United States  
corporations operating in, standards for corporate activity: SB 5649
- Organic recovered materials, to adopt specifications for use in road  
projects, purchase requirements: SB 5143, SSB 5143, \*SSB 5143,  
CH 297 (1991)
- Pacific Ocean, cities bordering on, authority to levy lodging tax to fund  
public facilities: SB 5301, \*SSB 5301, CH 331 (1991)
- Patients and clients of public emergency medical service, confidentiality  
of personal information: SHB 1275
- Police department, warrant server may be maintained within: HB 1732

- Puget Sound water quality management plan, incorporation into comprehensive plan of elements consistent with management plan: SSB 5355
- Real estate excise tax, cities and counties authorized to impose additional tax to finance capital facilities, procedures: \*SHB 1025, CH 32 E1 (1991)
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SB 5180, SSB 5180
- Recycled products, increased purchase and use of: SB 5143, SSB 5143, \*2SSB 5143, CH 297 (1991), SB 5829
- Recycling incentive rates, citizens transporting to recycling facility to receive identical incentives with collection customers: SHB 1947
- Recycling, single and multiple family residences, comprehensive solid waste management plans to include provisions for: \*SSB 5478, CH 298 (1991)
- Regional planning commission, treasurer or auditor may be other than county treasurer or county auditor: SB 5908
- Relocation fees, cities and counties may impose on development activities that remove low-income housing: \*SHB 1025, CH 32 E1 (1991)
- Remote hydroelectric generating facilities, additional privilege tax imposed on facilities owned by cities in certain counties: SB 5832
- Roads, city hardship assistance program and account created to assist with costs due to jurisdictional transfers in this act: \*SB 5801, CH 342 (1991)
- Self-insurance programs, state approval and notification requirements, compliance with regulatory and statutory standards: \*SHB 1907, CH 30 E1 (1991)
- Sewer systems, alternative lien procedure for delinquent service charges authorized: \*HB 1607, CH 36 (1991)
- Small works rosters, uniform process for municipalities to award contracts under: SHB 1681
- Snoqualmie river management program, North Bend and Snoqualmie participation in development of: SB 5872
- Stadium, convention, performing arts, and visual arts facilities, revised powers and duties relating to: \*SHB 1993, CH 357 (1991)
- Storm water facilities are public facilities for which cities and counties may impose impact fees: SSB 5145
- Storm water facilities, city planning requirements: SSB 5145
- Storm water management program, prerequisite to receipt of state grants or loans: SB 5074, SB 5145, SB 5355
- Street utilities, adjusting provisions relating to: \*SHB 1274, CH 141 (1991)
- Surface mining, regulation of operation when conducted wholly within city: SB 5513
- Tourist-related activities, certain cities in first class counties authorized to impose lodging tax to fund: HB 2180

- Transportation authority of first class cities, additional authority granted: \*SHB 1771, CH 124 (1991)
- Underground storage tanks, cleanup financial assistance to owners and operators authorized, conditions: SB 5806, \*SSB 5806, CH 4 (1991)
- Underground storage tanks, state financial assistance to owners and operators, application procedures: SHB 2114
- Utilities, municipal utilities authorized to reimburse city for management services: \*HB 1040, CH 152 (1991)
- Utility service charges, collections, deposits, and discontinuance of service for nonpayment, required procedures: SB 5771
- Wastewater discharge fees, permit fee schedule for municipalities modified: SB 5700
- Water and sewage systems, achievement of water conservation goals and avoidance of wasteful practices, consideration in rate setting: \*SHB 2026, CH 347 (1991)
- Water and sewer utilities, restrictions on taxes imposed for the privilege of operating: SB 5298, SB 5595
- Water conservation, water and sewage systems, achievement of goals and avoidance of wasteful practices, consideration in rate setting: \*SHB 2026, CH 347 (1991)
- Water discharge fees, revised provisions: \*SHB 1649, CH 307 (1991), SB 5608
- Water supply system, nonresident customers, restrictions on consideration of location in setting rates for service: SB 5595
- Water supply system, not to charge nonresident customers a higher rate for service without county approval: SB 5298, SB 5595

### **CITIZENS COMMISSION ON SALARIES**

- District court judges, to set salaries for part time judges: \*SB 5170, CH 338 (1991)

### **CIVIL PROCEDURE**

- Alternative dispute resolution, provisions for: SB 5163
- Animal research facilities, injunctive relief to prevent occurrence of intentional tort against: \*SSB 5629, CH 325 (1991)
- Arbitration, mandatory, award cap set: SB 5063
- Attorney fees and costs, assessment against state when not prevailing party in civil action, necessary conditions: SSB 5289
- Attorney fees, award when, except for torts, state or subdivision is not prevailing party in a civil action: SB 5289
- Certificate of merit to be filed within thirty days in professional negligence actions, requirements: SB 5386
- Childhood sexual abuse, clarification of the application of the statute of limitations to cases involving: \*SHB 2058, CH 212 (1991), SB 5811
- Commencement of actions, times extended for actions regarding real property rights: SB 5362

- Consumer protection laws, consumer may bring action for the direct or indirect injuries caused by a violation of the: SB 5689, SSB 5689
- Damages for governmental actions adversely affecting real property, restrictions on actions removed: SB 5571
- Docket priority for parties over seventy years old or terminally ill: \*HB 1675, CH 197 (1991)
- Domestic relations, summary proceedings authorized in trials relating to: SB 5028, SSB 5028
- Domestic violence, temporary restraining orders extended from fourteen to twenty-one days: SB 5437
- Driving while intoxicated, punitive damages for personal injuries or wrongful death resulting from: SHB 1676
- Economic damages, joint and several liability of multiple defendants for, revised provisions: SB 5584
- Emergency communications systems or services, immunity from civil liability for errors or omissions under specified circumstances: \*SHB 1938, CH 54 (1991)
- Frivolous actions, award of expenses to prevailing party, judge to consider all evidence in making determination: \*SB 5023, CH 70 (1991)
- Indigent persons, representation in superior court by qualified legal aid programs, waiver of filing fees: SHB 1378
- Joint and several liability of multiple defendants for economic damages, revised provisions: SB 5584
- Judgments, assignment of judgment, recording of: SB 5202, SSB 5202
- Judgments, recording of judgment or memorandum of judgment: SB 5202, SSB 5202
- Parental action for loss of services and support of child, revised provisions: SSB 5506
- Partial summary judgment allowed in civil actions for damages: SHB 1638
- Professional negligence actions, certificate of merit to be filed within thirty days, requirements: SB 5386
- Property damage from increase in flow of natural watercourse, liability for damages of person responsible: SSB 5145
- Public hazards, courts may not enter judgment which has purpose or effect of concealing information from the public: SHB 1320, SB 5388
- Public records of another state, certified copies to be admitted in evidence in Washington courts: \*SB 5004, CH 59 (1991)
- Real property rights, actions regarding, times for commencement of action extended: SB 5362
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SB 5180, SSB 5180

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Enhanced food fish tax imposed on: SB 5016, SSB 5016

## CLARK COMMUNITY COLLEGE DISTRICT NO. 14

Sally G. Schaefer, Reappointed Trustee, GA 9033 . . . . . 26

**CLARKE, KARYN**

Reappointed Trustee, Tacoma Community College District No. 22,  
GA 9004 . . . . . 23

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**CLINICAL LABORATORY SCIENCE PRACTITIONERS**

Clinical laboratory board created, membership, powers, and duties: SB  
5907

Licensing requirements: SB 5907

**COBB, JEANNE**

Member, Small Business Export Financial Assistance Center Board of  
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"Claim" defined to include public debts: SB 5052, SSB 5052

Public debts included in definition of claim: SB 5052, SSB 5052

Public debts, state and local governments authorized to assess collection  
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Agricultural labor relations act adopted: HB 1961, SB 5867

City and county correctional employees and radio dispatch personnel,  
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Ferry system employees, revised provisions: SB 5378

Prison employees, additional employees of division of prisons of the  
department of corrections authorized to participate: SHB 1913

Public transportation systems, mediation and arbitration provisions when  
agreement cannot be negotiated within time limits: SB 5994

School districts, subjects not subject to collective bargaining: SB 5851, SB  
5919, SSB 5919, 2SSB 5919

State employees granted right to organize and bargain, conditions and  
procedures: SHB 1655, SB 5545

State employees' relations commission, membership and duties: SHB 1655,  
SB 5545

Superior court employees, definitions revised to include: HB 1286, SB  
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Uniformed personnel, law enforcement officers and fire fighters of all  
cities, towns, and counties included: HB 1362, SB 5384

Washington agricultural labor relations act adopted: HB 1961, SB 5867

## COLLEGES AND UNIVERSITIES

- Admissions, task force to recommend process for evaluating high school coursework for undergraduate admissions: \*SHB 1936, CH 209 (1991)
- American Indian endowed scholarship program revisions: SHB 1145
- American Indian endowed scholarship program, revised provisions: \*SB 5475, CH 228 (1991)
- American sign language course satisfies college foreign language admission requirement: HB 1664
- Bond debt service retirement account, reservation of funds in account for four-year institutions: SB 5952
- Branch campuses, appropriation reversion if enrollment level is more than two percent below amount authorized: SB 5784
- Budget, single higher education budget for operation and capital support, higher education coordinating board to prepare: SB 5709
- College career entry program created: SB 5337
- Contracting out for services, revised provisions: SB 5592, SSB 5592
- Desert Shield, health and retirement coverage continued for employees called to active service: SB 5092, SSB 5092
- Disabled students' access to higher education advisory committee established, membership and duties: SHB 1296
- Disabled students, advisory committee on access to higher education for, establishment and duties: \*SB 5475, CH 228 (1991)
- Dislocated timber workers, upper division education opportunities program: \*SSB 5555, CH 315 (1991)
- Educational loan program, state-appropriated financial aid moneys, with some exceptions, to go to: SB 5853
- Educational opportunity grant program changed to educational opportunity loan program: SB 5853
- Emergency services volunteers, paid leave granted employees in training or on call as: SB 5417
- English proficiency required of persons appointed to faculty or as graduate assistants with teaching duties: SB 5350, SSB 5350
- Enrollment level, appropriation reversion if level is more than two percent below amount authorized: SB 5784
- Enrollment, state-funded enrollment levels increased: SB 5174, SSB 5174
- Enrollment, state-funded enrollment levels increased, funding provisions: SB 5814
- Facilities, student government political activities use, attorney general to review policies: SHB 2118
- Faculty and other designated members, mandatory retirement eliminated after July 1, 1991: HB 1409, SB 5498
- Faculty or graduate assistants with teaching duties, English proficiency required of persons appointed as: SB 5350, SSB 5350
- Faculty, teacher educators required to teach one hundred eighty hours in the public schools every five years: SB 5525



- Faculty, teacher educators to teach in the public schools maximum extent feasible, plan to require: \*SHB 1243, CH 259 (1991)
- Financial aid programs, state educational loan program, state-appropriated moneys, with some exceptions, to go to: SB 5853
- Forest products workers, tuition waiver for unemployed workers: SB 5208
- Fund for excellence in higher education program established: \*HB 1723, CH 98 (1991)
- Future teacher conditional scholarship program, enhancement and revised provisions: SHB 1598
- Graduate assistants from foreign countries, fluency in English required: \*SB 5475, CH 228 (1991)
- Hard-to-fill positions, procedures to fill: SB 5337
- Health personnel resource plan, state-wide, higher education health training and education programs, changes in requirements for institutional plans: \*SB 5985, CH 27 E1 (1991)
- Health training and education programs, changes in requirements for institutional plans: \*SB 5985, CH 27 E1 (1991)
- High school coursework, task force to recommend process for evaluating for undergraduate admissions: \*SHB 1936, CH 209 (1991)
- High school credit, eleventh and twelfth grade students allowed to take courses for: SHB 1762
- Higher education opportunity act of 1991: SB 5174, SSB 5174
- Higher education opportunity act of 1991, funding provisions: SB 5814
- Higher education, state operating budget for to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- Honorary degrees, authority of regional universities and The Evergreen State College to award, conditions: \*HB 1143, CH 58 (1991), \*SB 5475, CH 228 (1991)
- Joint center for higher education, Spokane higher education park established: \*HB 2198, CH 205 (1991)
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- Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
- Musical arts graduate students, tuition and fee waivers authorized for talented students: SB 5660
- Nonresident tuition differential, exemption for nonresident dependents of residents employed in Washington: SB 5484
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- Operating budget for higher education to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- Pacific Rim language scholarship, provisions expanded: SB 5505
- Parking and transportation management programs, development from recommendations of parking and transportation management committee to be considered: SHB 1564

- Persian Gulf veterans authorized to attend any state institution at 1990 tuition rates: \*SB 5475, CH 228 (1991)
- Persian Gulf veterans, tuition and fees frozen at 1990 rates for: HB 1674
- Persian Gulf, deferral of loan obligations for students deployed because of the Gulf war: \*SHB 2027, CH 164 (1991)
- Persian Gulf, refund of or credit toward new enrollment for students deployed because of the Gulf war: \*SHB 2027, CH 164 (1991)
- Personnel management, Washington management service created, purposes and duties: SB 5337
- Physical access committee to identify barriers to access: SHB 1295
- President of state institution to be removed for misrepresentation during hiring process: SB 5553
- Retirement, mandatory retirement of faculty and other designated members eliminated after July 1, 1991: HB 1409, SB 5498
- Revenues, reservation of portion of increased debt capacity to: SHB 1034, SB 5324
- Running start program, implementation by 1992-93 school year in colleges and universities: SHB 1762
- Scholarships, American Indian endowed scholarship program revisions: SHB 1145
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- Sick leave to be provided for academic and other exempt personnel: SB 5351
- Single parents, long-term loans to needy single parents for educational expenses: HB 1191
- Spokane intercollegiate research and technology institute, board membership and duties: \*HB 2198, CH 205 (1991)
- Spouses of students, retirement service credit for employment at college or community college, conditions: SB 5468
- State, workers' compensation, temporary total disability, dates for which compensation will be received: SB 5200
- Student government and its higher education institution deemed separate state agencies for lobbying purposes: SHB 2118
- Student government political activities, use of institution's facilities, attorney general to review policies: SHB 2118
- Student teacher centers program for special support and training of student teachers: SB 5504, \*SSB 5504, CH 258 (1991)
- Teacher educators required to teach one hundred eighty hours in the public schools every five years: SB 5525
- Teacher educators to teach in the public schools maximum extent feasible, plan to require: \*SHB 1243, CH 259 (1991)
- Tribally controlled colleges included in definitions of higher education institutions: SHB 1726
- Tuition and fee waivers, reduced fees, and residency exemptions, evaluation criteria and reauthorization requirements: SHB 2030

- Tuition and fee waivers, reduced fees, and residency exemptions, repeal of provisions authorizing: SHB 2030
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- Tuition and fees frozen at 1990 rates for Persian Gulf veterans: HB 1674
- Tuition and fees, resident tuition rate granted nonresident dependents of residents employed in Washington: SB 5484
- Tuition credit for Vietnam veterans in lieu of payment for service in Vietnam combat zone: SB 5429
- Tuition waivers, dislocated timber workers: SB 5555, \*SSB 5555, CH 315 (1991)
- Tuition waivers, inclusion of public school employees among those eligible for: SB 5412
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- Vietnam veterans, tuition credit in lieu of payment for service in Vietnam combat zone: SB 5429

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- Minh Anh Hodge, Reappointed Trustee, GA 9085, Confirmed. . . 66, 184
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- Negligent operation of vessel, class C felony: \*SHB 1027, CH 200 (1991), SB 5183
- Oil and hazardous substances spills, financial responsibility requirements for vessels transporting: \*SHB 1027, CH 200 (1991), SB 5183
- Oil spill contingency plans, vessel containment and cleanup plan requirements: \*SHB 1027, CH 200 (1991)
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Bellevue community college district to develop a plan for creation of new campus in northwestern part of district, duties: SB 5894  
Disabled students' access to higher education advisory committee, duties: SHB 1296  
Higher education opportunities program for dislocated timber workers, administrative duties: SHB 1870

**COMMUNITY COLLEGES**

Bellevue community college district to develop a plan for creation of new campus in northwestern part of district: SB 5894

\* - Passed Leg.; E1 - 1st Special Session

- Bond debt service retirement account, reservation of funds in account for community colleges: SB 5952
- Budget, single higher education budget for operation and capital support, higher education coordinating board to prepare: SB 5709
- Capital construction needs, revenue from management of state forest lands to fund: SB 5445, SSB 5445
- Community and technical college act of 1991: SHB 1039, SB 5184, \*SSB 5184, CH 238 (1991)
- Disabled students' access to higher education advisory committee established, membership and duties: SHB 1296
- Dislocated timber workers, provision of training and retraining timber impact areas: \*SSB 5555, CH 315 (1991)
- Educational paraprofessional associate of arts degree program to be developed, training requirements and scope of employment limits: \*SHB 1813, CH 285 (1991)
- Enrollment, state-funded enrollment level increased, funding provisions: SB 5814
- Enrollment, state-funded enrollment levels increased: SB 5174, SSB 5174
- Forest products workers, tuition waiver for unemployed workers: SB 5208
- Graduate assistants from foreign countries, fluency in English required: \*SB 5475, CH 228 (1991)
- Health personnel resource plan, state-wide, higher education health training and education programs, changes requirements for institutional plans: \*SB 5985, CH 27 E1 (1991)
- Health training and education programs, changes in requirements for institutional plans: \*SB 5985, CH 27 E1 (1991)
- Higher education opportunities program for dislocated timber workers: SHB 1870
- Honorary degrees, authority to award, conditions: \*HB 1143, CH 58 (1991), \*SB 5475, CH 228 (1991)
- Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649
- Persian gulf, refund of or credit toward new enrollment for students deployed because of the Gulf war: \*SHB 2027, CH 164 (1991)
- Physical access committee to identity barriers to access: SHB 1295
- Property tax, authority to levy excess levies: SB 5937
- Revenues, reservation of portion of increased debt capacity to: SHB 1034, SB 5324
- Running start program pilot project to be implemented in 1991-92 school year and in all colleges in 1992-93 school year: SHB 1762
- Sick leave policies, uniform and consistent policies to be developed: \*SB 5475, CH 228 (1991)
- Sick leave to be provided for academic and other exempt personnel: SB 5351
- Spouses of students, retirement service credit for employment at college or community college, conditions: SB 5468

- Summer schools may be self-supporting or state-funded, conditions: \*SB 5824, CH 353 (1991)
- Tenure of faculty members, extension of probationary period, revised provisions: SB 5456, \*SSB 5456, CH 294 (1991)
- Tenure of faculty members, periodic review to be conducted, revised procedures: SB 5456, \*SSB 5456, CH 294 (1991)
- Tuition and fee waivers, reduced fees, and residency exemptions, evaluation criteria and reauthorization requirements: SHB 2030
- Tuition and fee waivers, reduced fees, and residency exemptions, repeal of provisions authorizing: SHB 2030
- Tuition and fee waivers, reduced fees, and residency exemptions, reporting in budget request, requirements: SHB 2030
- Tuition and fee waivers, space available waiver program, administrative fee: SHB 2030
- Tuition waivers, dislocated timber workers: SB 5555, \*SSB 5555, CH 315 (1991)

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- Firearms or ammunition possession by criminal offenders under supervision prohibited, penalties and procedures: SB 5825, \*SSB 5825, CH 221 (1991)
- Firearms, community corrections officers authorized to carry: SB 5321
- Law and justice councils, creation of local council authorize to develop local law and justice plan: SHB 1199
- Probation supervision services, offender to pay monthly assessment to department of corrections for term of supervision, exceptions: \*HB 1371, CH 104 (1991)
- Retirement provisions, early retirement for corrections officers: SB 5415
- Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949
- Vehicular homicide or assault, drug and alcohol evaluation and treatment required as a condition of sentencing: \*SHB 1886, CH 348 (1991)

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- 911 coordination office, state enhanced 911 coordination office, headed by state enhanced 911 coordinator, created, duties: \*SHB 1938, CH 54 (1991)
- 911 emergency communications network, duty to coordinate and facilitate implementation and operation of enhanced state-wide system: \*SHB 1938, CH 54 (1991)

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- Affordable housing program created, duties: \*SHB 1624, CH 356 (1991)
- Agriculture, in-state direct marketing opportunities for agricultural producers, to encourage in establishing urban-rural links: HB 1977
- Arbitrators, mediators, and conciliators, to adopt rules of professional conduct for nonlawyers: SB 5163
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- Cities and towns, newly incorporated, duty to notify state, local, and federal agencies of incorporation: \*HB 1013, CH 360 (1991)
- Citizen service, state support for, departmental duties: HB 1147
- Citizens' review of local government, departmental duties: HB 1017
- Community assessment process on impact of proposed major transportation corridors, requirements and procedures: SB 5890, SB 5901
- Community child poverty project, assistance to community action agencies through community services block grants, duties: SB 5854
- Community partnership program established to assist community-based organizations, advisory committee created, duties: SB 5581, SSB 5581
- Community stabilization act, assistance with mortgage and rent payments to avoid homelessness: SHB 1747
- Community-based long-term care and support system, department powers and duties: SB 5917
- Community-based long-term care policy advisory committee, membership and duties: SB 5917
- Comprehensive plans, counties and cities must submit final draft and adopted plan for review by department: \*SHB 1025, CH 32 E1 (1991)
- Counties, solid waste disposal compliance, funding: HB 1553
- Criminal justice plan, local governments required to file with department as a condition of receiving state funds: SB 5304
- Dislocated timber workers, emergency mortgage and rental assistance program, duties: \*SSB 5555, CH 315 (1991)
- Earthquake preparedness policy in schools, duties: SB 5238
- Environmental planning pilot projects, duties: \*SHB 1025, CH 32 E1 (1991)
- Fair share affordable housing goals to be established by department: \*SHB 1025, CH 32 E1 (1991)
- Fire-extinguishing system, automatic, required in newly constructed schools, responsibilities: SB 5261, \*SSB 5261, CH 170 (1991)
- Gang risk prevention and intervention pilot programs, development and implementation of community-based programs: SB 5830, SSB 5830, \*2SSB 5830, CH 296 (1991)
- Homelessness prevention program, duties: SHB 1747
- Housing assistance program created, loans from housing trust fund: \*SHB 1624, CH 356 (1991)
- Indigent persons, representation in superior court by qualified legal aid programs, duties: SHB 1378

- Juvenile serious habitual offender program, financial assistance program:  
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- Local government review process and community assessment process, to  
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- Local government service agreements, duties and rulemaking authority in  
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- Long-term care information system, department to design and administer:  
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- Low-income residences, energy suppliers to submit weatherization plan by  
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- Mobile home parks, owner to pay when relocation funds insufficient,  
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- Mobile home parks, relocation assistance for displaced low-income tenants,  
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- Model energy education programs, department to develop: SHB 1335
- Natural resource lands and critical areas, designation of, powers and  
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- Preschool state education and assistance program, revised provisions and  
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- School breakfast and lunch programs, funding assistance through  
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- Search and rescue grant program established, duties: SB 5206
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- Sexual assault prosecution assistance program: \*SHB 1534, CH 267  
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- Timber impacted areas, community assistance program duties: \*SHB 1341,  
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- Timber workers, emergency mortgage assistance program established,  
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- Watercourse management task force to be formed, membership and duties:  
\*SSB 5411, CH 322 (1991)
- Weatherization for low-income residences, energy suppliers to submit plan  
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- Yakima County criminal justice facility, appropriation to fund construction  
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- Yakima county criminal justice enhancement, appropriation to provide  
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- Timber-dependent community assistance to support economic diversity and  
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- Age and health of parties, factors to be considered in division of community property following dissolution or legal separation: SB 5715
- Intangible property to be considered in division of community property following dissolution or legal separation: SB 5715

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- Child poverty assessment and assistance act: SB 5854
- Child poverty project coordinating council created, development, implementation, and assessment of project: SB 5854
- Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854
- Community child poverty project created, state assistance and funding: SB 5854
- Community outreach health programs, assistance in establishing pilot local programs using volunteers: SB 5650, SSB 5650
- Community partnership program established to assist community-based organizations, advisory committee created, duties: SB 5581, SSB 5581
- Gang risk prevention and intervention pilot programs, development and implementation of community-based programs: SB 5830, SSB 5830, \*2SSB 5830, CH 296 (1991)

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- Custom computer software, except embedded software, exempt from personal property taxation, valuation rules: \*HB 1376, CH 29 E1 (1991)
- Planning, acquisition, and management of state information systems and services: SB 6006
- Software, canned and embedded software subject to taxation: \*HB 1376, CH 29 E1 (1991)
- Software, custom and golden software exempt from taxation: \*HB 1376, CH 29 E1 (1991)
- Software, personal property taxation and exemption from taxation of various types of computer software: \*HB 1376, CH 29 E1 (1991)
- Software, property tax exemptions and valuation rules to be studied by department of revenue: \*HB 1376, CH 29 E1 (1991)
- Software, property taxes due in 1992 to be listed and assessed on the same basis as for taxes due in 1989: \*HB 1376, CH 29 E1 (1991)
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- Agricultural policy, joint select committee to study: SCR 8404
- Condominium task force recreated, membership and duties: SCR 8416
- Cutoff dates for consideration of legislation during 1991 regular session: HCR 4402

- Education summit to address issues pertaining to immediate and long-term needs of basic education, legislature to convene: SCR 8412
- Environmental information, print and electronic media commended for providing: SCR 8401
- Fishery patrol and wildlife officers, commensurate salaries recommended: SCR 8410
- Lake Roosevelt national recreation area, joint select committee on, membership and duties: SCR 8417
- Military personnel and veterans' affairs, joint select committee on created: HCR 4416
- Northwest interstate compact on low-level radioactive waste management, joint select committee formed to review: SCR 8403
- Public assistance and employment self-sufficiency, joint task force to develop implementation plan: SCR 8405
- School employees, housing assistance programs for classified and certificated employees encouraged: SSCR 8402
- Senate Bill 5149, amending the cutoff resolution, House Concurrent Resolution 4402, to allow consideration of: SCR 8406
- Special session to convene Monday, April 29, 1991: SCR 8414
- Teachers, housing assistance programs for, establishment encouraged: SCR 8402
- Veterans and military personnel affairs, joint select committee on created: HCR 4416
- Water rates, joint select committee to study procedures for setting rates: SCR 8411
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- Wildlife department, joint select committee created to study: SCR 8409

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- Compensation to be paid when private property is diminished in value for a public purpose: SB 5797
- Diminution in value for a public purpose, compensation to be paid when private property suffers diminution: SB 5797
- Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419

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- Contracts of sale or transfer by financial institutions deemed unconscionable when fifteen percent below highest appraised value of similar unit: SB 5850
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Automobile repair, customers' rights notice to be printed on bill, form: SB 5509	
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- Debt adjusting, prohibition on debt adjusting activities and businesses: SB 5293
- Direct or indirect injuries to consumer from violation of consumer protection laws, right to bring action on: SB 5689, SSB 5689
- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
- Discriminatory practices committed in the course of trade or commerce, unfair practices broadened to include all: SHB 1255
- Drinking water quality, investigation of consumer complaints by utilities and transportation commission: SB 5045, \*SSB 5045, CH 134 (1991)
- Electronic equipment warranties, requirements: SHB 1399
- Fair credit reporting act, accuracy of reports, denial of credit, civil penalties for violations: SB 5516, SSB 5516
- Fire protection sprinkler system contractors, surety bond required before license issued: \*HB 2231, CH 6 E1 (1991)
- Food processing plants, licensing requirements to prevent adulteration or misbranding of food products: \*SHB 1957, CH 137 (1991)
- Food, drug, and cosmetic act, technical revisions to the uniform act: \*HB 1955, CH 162 (1991)
- Franchise investment protection, revised provisions, duties of director of licensing: SB 5256, \*SSB 5256, CH 226 (1991)
- Health care professionals, duty to disclose life-threatening communicable disease or infection to patient: SB 5294
- Information delivery services, advertisement of, requirements: SB 5518, \*SSB 5518, CH 191 (1991)
- International student exchange organizations, registration requirements: \*SHB 1051, CH 128 (1991)
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- Petroleum industry acquisitions and mergers, notice to and review by the attorney general: SB 5547
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- Construction contracts, indemnity clauses, limitations on enforceability: SB 5566
- Construction contracts, restrictions on allowable clauses regarding contractor liability insurance conditions: SB 5566
- Construction liens, revised act: SB 5497, \*SSB 5497, CH 281 (1991)
- Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: SB 5725, SSB 5725
- Fair pay act: SHB 1736, SB 5430
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- Improvements to real property, moneys to be held in trust for benefit of those making payment and those providing materials or labor: SHB 1736, SB 5430
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- Registration, information seminar on laws and practices, department may require attendance as condition of: SHB 1207, SB 5152
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- Condominiums, contracts of sale or transfer by financial institutions deemed unconscionable when fifteen percent below highest appraised value of similar unit: SB 5850
- Construction contracts, restrictions on allowable clauses regarding contractor liability insurance conditions: SB 5566
- Contracting out for services, state agencies and institutions of higher education, revised provisions: SB 5592, SSB 5592
- Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526
- Health studios, contracts for services, cancellation clauses, revised provisions: SB 5719
- Personal services contracts between state agencies and legislators, approval procedures: SHB 1133
- Public, architectural and engineering services negotiation policy not applicable to works of less than fifteen thousand dollars: SB 5750
- Real property, earnest money deposit, forfeiture as an exclusive remedy, conditions for enforcement of provision: \*SHB 2042, CH 210 (1991)

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### COOK, DEANNA

Reappointed Trustee, Centralia Community College District No. 12, GA 9005, Confirmed. . . . . 23, 231, 247

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- Chief of police and sheriff to be notified of escape of serious drug offender: SB 5128, \*SSB 5128, CH 147 (1991)
- Collective bargaining, additional employees of the division of prisons authorized to participate in: SHB 1913
- Forest fires, interstate forest fire suppression compact, authority to enter into: \*SHB 1208, CH 131 (1991)
- Incentive program to allow inmates to earn higher wages based on performance, production, and behavior and use wages to purchase amenities: \*SHB 1777, CH 130 (1991)
- Incentive program, pilot program to encourage inmates to develop educational and job skills: \*SHB 1686, CH 256 (1991)
- Interstate parole and probation hearing procedures act repealed: \*HB 1372, CH 77 (1991)
- Legal financial obligations, administrative process for setting and collecting monthly amount offender is to pay: SB 5363, \*SSB 5363, CH 93 (1991)
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- Monetary fines, to study feasibility in conjunction with sentencing guidelines commission: SB 5623, SSB 5623, 2SSB 5623
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- Probation supervision services, offender to pay monthly assessment to department for term of supervision, exceptions: \*HB 1371, CH 104 (1991)
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- Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949
- Witnesses to receive notice of escape or release of serious drug offender: SB 5128, \*SSB 5128, CH 147 (1991)

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- Commuting, reduction of single occupant vehicle commuting, duty of local governments to plan and implement: \*2SHB 1671, CH 202 (1991)
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- Emergency medical care services, local tax levy for, authorized rate increased, restrictions: \*SHB 1635, CH 175 (1991)
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- Fully contained communities and master planned resorts allowed outside urban growth areas, approval criteria: \*SHB 1025, CH 32 E1 (1991)

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- Massage practitioners, restrictions on city and county licensing authority in regard to state licensed practitioners: \*SHB 1911, CH 182 (1991)
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 Property tax, 1989 valuations and assessments, use for 1991 property taxes, authorization: SB 5195  
 Property tax, assessment to be at one hundred percent of true and fair value unless legislative authority sets a lower rate: SB 5818, SSB 5818  
 Solid waste disposal facilities, to give two weeks notice before making final siting decision in open public meeting: SB 5932

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**COX, ANNE**

Reappointed Member, Parks and Recreation Commission,  
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**COYLE, MATTHEW J.**

Member, Board of Tax Appeals, GA 9062, Confirmed . . . 1232, 1325

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Reappointed Member, Juvenile Disposition Standards

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- Animal facilities, unlawful acts against defined, penalties: SB 5629, \*SSB 5629, CH 325 (1991)
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- Assault, transmission of HIV and sexually transmitted diseases, penalties increased: SB 5278, SSB 5278, 2SSB 5278
- Bigotry or bias crimes, malicious harassment based on perceived race and sexual orientation included in definition: SHB 1037, SB 5360
- Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360
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- Brands, unlawful possession of branded livestock, revised definitions and penalties: \*SHB 1958, CH 110 (1991)
- Child labor laws, enforcement, penalties for violations: \*SB 5558, CH 303 (1991)
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- Disabled parking privileges, unauthorized use of special placard or license plate, misdemeanor: \*SHB 1704, CH 339 (1991)
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- Domestic violence, fines prohibited in any domestic violence crime: SB 6000
- Domestic violence, penalties increased for assault and reckless endangerment in domestic setting: \*SHB 1884, CH 301 (1991)
- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, SB 5266, \*SSB 5266, CH 293 (1991)
- Election crimes defined, penalties: \*HB 1072, CH 81 (1991)
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- Harassment, antiharassment petitions, concurrent jurisdiction of superior and district courts: \*SHB 1824, CH 33 (1991)
- International student exchange organizations, violation of registration or reporting requirements a misdemeanor: \*SHB 1051, CH 128 (1991)
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- Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
- Oil facilities, operation without an approved oil spill prevention and oil spill contingency plan: \*SHB 1027, CH 200 (1991)
- Penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Political advertising, false advertising, penalties: SB 5171
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- Recordings, failure to disclose origin of recording, offense defined, penalties: SHB 1064, SB 5030, \*SSB 5030, CH 38 (1991)
- Recordings, unauthorized reproduction or recording of material, offenses defined, penalties: SHB 1064, SB 5030, \*SSB 5030, CH 38 (1991)
- Rural mailboxes, damage or destruction of, malicious mischief in the second degree: SB 5935
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- Sexual assault of children, program to provide additional protection to children: \*SHB 1534, CH 267 (1991), SB 5361, SSB 5361
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- Sexually violent offenses, sentencing provisions: HB 2119
- Stolen property values increased for determining degree of theft: SB 5438, SSB 5438
- Tank vessels, reckless operation of, class C felony: \*SHB 1027, CH 200 (1991)
- Theft, stolen property values increased for determining degree of theft: SB 5438, SSB 5438
- Ticket resellers, commercial, required and unlawful practices defined, violations made a misdemeanor: SSB 5763
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- Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028
- Vehicular assault, definition and defenses: SB 5068
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- Vehicular homicide, definition and defenses: SB 5068
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- "Criminal justice purposes" defined for municipal criminal justice assistance account: \*HB 2214, CH 26 E1 (1991), SB 5989
- Assistance, "criminal justice purposes" defined for local government criminal justice assistance purposes: \*SHB 1137, CH 311 (1991), SB 5185, SSB 5185
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- Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
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- Firearms or ammunition possession prohibited, penalties: SB 5825, \*SSB 5825, CH 221 (1991)
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**CROW, ROBERT "MAC"**

Reappointed Member, Board of Regents, Washington State University, GA 9007, Confirmed. . . . . 18, 130, 266

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Driving while intoxicated, punitive damages for personal injuries or wrongful death resulting from: SHB 1676

Economic damages, joint and several liability of multiple defendants for, revised provisions: SB 5584

Human rights commission, noneconomic damages awarded for humiliation and emotional suffering, limit increased: SHB 1255

Joint and several liability of multiple defendants for economic damages, revised provisions: SB 5584

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Clear Creek dam rebuilding project, funding for: SB 5160

\* - Passed Leg.; E1 - 1st Special Session

Elwha river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010

### **DAVIS, RICHARD A.**

Member, Washington State University Board of Regents, GA 9008,  
Confirmed. . . . . 18, 231, 266

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Child and family care, employer-assisted programs to include fair share from new growth and development for additional facilities and services: SB 5408

Child care coordinating committee appropriation: SB 5377

Child care facilities, business and occupation tax credit for employer-sponsored facilities: SB 5915

Child care facility fund, uses of money in fund clarified and expanded: SB 5583

Child care facility revolving fund created: SHB 1808

Child care facility revolving fund, moneys to be used for child care facility grants, loans, and loan guarantees only: \*SSB 5583, CH 248 (1991)

Child care partnership expanded to include family care: SB 5408

Child care resources coordinator, revised duties: SB 5580, SSB 5580

Community-based child care resource and referral programs, application for funding to establish: SB 5580, SSB 5580

Employee organizations, applications for loans, loan guarantees, or grants from child care facility fund: SHB 1808

Employer-assisted child and family care: SHB 1471, SB 5404

Foundation for families act enacted: SHB 1471, SB 5404

Homeless children, specialized child care and respite care authorized for children of homeless parents: SB 5653, SSB 5653

### **DEAF PERSONS**

Advisory committee for state programs for the deaf created: SHB 1523, SB 5458, SSB 5458

Advisory committees or councils required by federal law to receive federal funds, secretary authorized to appoint: SSB 5458

Interpreters in legal proceedings, provisions changed: \*SHB 1727, CH 171 (1991)

Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: SB 5332, \*SSB 5332, CH 204 (1991)

Regional service centers established: SHB 1523, SB 5458, SSB 5458

Telecommunications devices for the deaf task force, formation and duties: SB 5536, \*SSB 5536, CH 121 (1991)

Troubled deaf youth, pilot project for, advisory board to oversee: SB 5179

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**DEANE, DR. DANIEL**

Reappointed Trustee, Big Bend Community College District No. 18,  
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Pathology, administration of state forensic pathology fellowship program:  
\*HB 1032, CH 176 (1991)  
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(1991), SSB 5542

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board defined as: SB 5048  
Lethal injection to be means of execution: SB 5151  
Mentally retarded person may not be sentenced to death: SHB 1234  
Rape, second conviction for rape in the first degree or rape of a child in  
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Debt limit raised from seven to eight percent, reservation of additional  
revenues to specified uses: SB 5324  
Debt limit raised, reservation of additional revenues to specified uses:  
SHB 1034

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Pharmacist's liability for claims based on strict liability or implied  
warranties of uniform commercial code limited: \*SSB 5466, CH 189  
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\* - Passed Leg.; E1 - 1st Special Session

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Sick leave, remuneration for, option of putting equivalent funds in tax-free medical benefits plan, duties: \*SHB 1214, CH 249 (1991)

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Sterilization of equipment and infection control requirements, rulemaking duties and authority of board: SB 5634, SSB 5634

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Dental hygiene services, experienced hygienists may perform without dentist's supervision: SB 5754

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Sterilization of equipment and infection control requirements, dentists' offices to comply with: SB 5634, SSB 5634

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Certification required, fields of practice specified: SB 5813

Certification requirements, regulation of the practice of denturity: SB 5897

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Background checks on applicants for employment and volunteers who may have unsupervised access, revised provisions: SB 5931

- Children, long-term care policy for special needs child and family to be developed: SB 5748, SSB 5748
- Employment, regional disabilities employment function to provide services for high school graduates established: SB 5780, SSB 5780, 2SSB 5780
- Fircrest school, appropriation to bring school into compliance with federal requirements: SB 5315
- Institutional trust lands in Thurston County, management plan to allow its use for housing developmentally disabled persons: SB 5331
- Mentally ill developmentally disabled persons, pilot projects authorized to provide alternatives to hospitalization: SB 5856
- Protection and advocacy of rights of developmentally disabled persons, governor to designate agency to implement program for: \*HB 1986, CH 333 (1991)
- Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: SB 5332, \*SSB 5332, CH 204 (1991)
- Regional disabilities employment function to provide services for high school graduates established: SB 5780, SSB 5780, 2SSB 5780
- Residential habilitation centers, Frances Haddon Morgan Children's Center corrected to Frances Haddon Morgan Center: HB 1520, SB 5530
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- Sales and use tax exemption for prescribed supplies and equipment: SB 5161

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- Commissioners, per diem compensation increased: \*SHB 1194, CH 349 (1991), SB 5020, SSB 5020

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- Access to higher education for students with disabilities, advisory committee established, duties: \*SB 5474, CH 235 (1991)
- Children, long-term care policy for special needs child and family to be developed: SB 5748, SSB 5748
- Community-based long-term care and support services pilot projects: SHB 1569, SB 5917
- Community-based long-term care and support services system for functionally disabled, establishment and administration: SHB 1569, SB 5917
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- Families with disabled members, housing trust fund to assist in making housing more accessible: SHB 2161
- General assistance, eligibility of incapacitated persons, limitations: \*SB 5959, CH 10 E1 (1991)
- Housing for families with disabled members, housing trust fund to assist in making more accessible: SHB 2161
- Incapacitated persons, general assistance eligibility, limitations: \*SB 5959, CH 10 E1 (1991)
- Infants and toddlers, early intervention services for those with disabilities or special needs: SB 5538, SSB 5538
- Medically fragile children, evaluation of short and long-term residential care options: SB 5748, SSB 5748
- Parking privileges, revised eligibility and use provisions, identifying placard, and penalties for unauthorized use: \*SHB 1704, CH 339 (1991)
- Parking, fines increased for improper parking in spaces for the disabled: SHB 1634
- Parking, free parking in designated areas allowed: SB 5995
- Physical access committee established at institutions of higher education: SHB 1295
- Property tax, exemption from and deferral of: \*HB 1299, CH 213 (1991), SB 5085, SB 5110, \*SSB 5110, CH 203 (1991), SB 5162, SB 5368
- Specialized transportation services for, provision of: SB 5427
- State employees, disabled, exempted from automobile license fees: SB 5076
- Statutory references to handicapped changed to disabled: HB 2008, SB 5582
- Wildlife director to develop plan to comply with Americans with Disabilities Act of 1990: SHB 1250

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- African-American affairs, commission on, created, membership, powers, and duties: SHB 1631
- Age discrimination, any employment discrimination based on age prohibited: SB 5056
- Age discrimination, employment discrimination against person over age of forty prohibited: SB 5080
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- Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360
- Civil rights act, chapter on discrimination renamed: SB 5599
- Civil rights division, establishment in the office of the attorney general, functions, powers, and duties: SB 5599

- Consumer protection act, unfair practices broadened to include all discriminatory practices committed in the course of trade or commerce: SHB 1255
- Employment discrimination, age discrimination against person over forty prohibited: SB 5080
- Employment discrimination, any discrimination based on age prohibited: SB 5056
- Family leave for employee to care for family member, discrimination against employee exercising rights prohibited: SB 5407
- Family leave to meet family care responsibilities, employer may not discriminate against employee: HB 2220, SB 5990
- Family, employer policy, may not limit or discourage use of leave rights: SHB 1471, SB 5404
- Malicious harassment based on perceived race and sexual orientation included in definition of bigotry or bias crimes: SHB 1037
- Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
- Overtime work, employment discrimination for refusal to work prohibited: SB 5409
- Protection of some statutes pertaining to discrimination extended to some persons not previously included: SHB 1255, SB 5599
- Reproductive status in workplace where hazardous substances may harm reproductive function, discrimination prohibited: SHB 1725
- Technical revisions to statutes pertaining to discrimination: SHB 1255, SB 5599

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- Natural resource worker project established for dislocated timber workers: SHB 1314, \*SSB 5555, CH 315 (1991)
- Natural resource worker project in Skagit county: SHB 1314, SB 5674
- Steel workers and salaried employees of steel mills, unemployed compensation period extended for unemployed: SB 5987
- Timber workers, retraining, support services, job search assistance required: SB 5555, \*SSB 5555, CH 315 (1991)
- Timber workers, tuition waivers: SB 5555, \*SSB 5555, CH 315 (1991)
- Training pilot project for dislocated timber industry workers in Skagit county: SHB 1315, SB 5673

### **DISSOLUTION OF MARRIAGE**

- Actions to change, modify, or enforce final orders regarding child support may be brought in county where children reside: SHB 2154
- Child support schedule, provisions for modification: SB 5996, \*SSB 5996, CH 28 E1 (1991)
- Community property, age and health of parties, factors to be considered in making property settlement following dissolution or legal separation: SB 5715

- Community property, intangible property to be considered in division of property following dissolution or legal separation: SB 5715
- Contract to allow dissolution only on a showing of fault by one party permitted, requirements: SB 5707, SSB 5707
- Educational records, access to be provided to each parent, definitions added: \*SSB 5996, CH 28 E1 (1991)
- Family court and family court services expanded, revised provisions: SHB 2155
- Marital misconduct, consideration in dissolution: SB 5706
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- Proceedings may be filed in superior court of county in which the petitioner resides: SHB 2154
- Retirement benefits, mandatory assignment of: \*SHB 1211, CH 365 (1991)
- Statutory grounds for dissolution established: SB 5705

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- Agency timber task force membership and duties: \*SHB 1341, CH 314 (1991)
- Community stabilization act, assistance with mortgage and rent payments to avoid homelessness: SHB 1747
- Economic recovery coordination board, membership duties: \*SHB 1341, CH 314 (1991)
- Higher education opportunities program for dislocated timber workers: SHB 1870
- Homelessness prevention program, department of community development duties: SHB 1747
- Pacific Northwest export assistance program created, purposes: \*SHB 1341, CH 314 (1991)
- Timber impact areas, public works loans authorized to local governments in: \*SHB 1341, CH 314 (1991), HB 1647, SB 5656, SSB 5656
- Timber impacted areas, community assistance program: \*SHB 1341, CH 314 (1991)
- Timber recovery coordinator, appointment and duties: \*SHB 1341, CH 314 (1991)
- Timber supply impact areas, public facility loans and grants authorized in: SB 5602, SSB 5602
- Timber workers fairness act, congress urged to pass act to provide benefits to timber workers affected by federal decisions: SJM 8020
- Timber-dependent areas, funding of small-scale tourism projects, conditions and requirements: \*SSB 5555, CH 315 (1991)
- Timber-dependent communities and distressed counties infrastructure support to diversify and revitalize economies: \*SHB 1341, CH 314 (1991)

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\* - Passed Leg.; E1 - 1st Special Session

- Antiharassment petitions, concurrent jurisdiction of superior and district courts: \*SHB 1824, CH 33 (1991)
- Deferral of determination that a traffic infraction was committed, limitations and standards: SHB 1552
- Harassment actions, jurisdiction over civil actions and proceedings to be in district court: SB 5922
- Judges, compensation determination: SB 5809
- Judges, determination of number in each county, revised method: \*SHB 1881, CH 313 (1991)
- Judges, full time judges, criteria for designation as: \*SB 5170, CH 338 (1991)
- Judges, number increased in King, Pierce, and Spokane counties: \*HB 1467, CH 354 (1991)
- Judges, part time judges, salaries to be set by citizens' commission on salaries: \*SB 5170, CH 338 (1991)
- Judges, qualifications for candidacy in districts with population of fewer than five thousand persons: \*HB 2082, CH 361 (1991)
- Judges, sick leave to be provided as for other county employees: \*HB 2082, CH 361 (1991)
- Jurisdictional amount, not to exceed twenty-five thousand dollars: \*SHB 1824, CH 33 (1991), SB 5922
- Mandatory arbitration, civil actions subject to same extent as superior court civil actions, exceptions: SHB 1825
- Pacific county, number of judge positions reduced to two: \*SHB 1704, CH 339 (1991), \*SB 5170, CH 338 (1991)
- Salary of judges to be prescribed by legislature in biennial budget: SB 6001

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### **DOCKTER, BENNY**

- Reappointed Trustee, State School for the Deaf, GA 9065,  
Confirmed. . . . . 1276, 1360

### **DOGS (See also ANIMALS)**

- Dangerous dogs, judicial or administrative hearing procedure to determine established: SHB 1462
- Dangerous dogs, regulation of dangerous and potentially dangerous dogs: SHB 1462, SB 5038, SSB 5038
- Hunting dog training, workout, field trial, and show area to be developed by department of wildlife: SB 5211

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- Assault and reckless endangerment, penalties increased for offenses in domestic setting: \*SHB 1884, CH 301 (1991)
- Community technical assistance grant program to assist communities in developing responses to domestic violence: \*SHB 1884, CH 301 (1991)
- Counselors certification, department of health to study: \*SHB 1884, CH 301 (1991)
- Counselors, certification of domestic violence perpetrator counselors, study authorized: \*SHB 1884, CH 301 (1991)
- Domestic violence perpetrator treatment programs, standards of approval: \*SHB 1884, CH 301 (1991)
- Fines prohibited in any domestic violence crime: SB 6000
- Perpetrator programs, department of social and health services to develop standards for treatment and victim protection: \*SHB 1884, CH 301 (1991)
- Temporary restraining orders extended from fourteen to twenty-one days in duration: SB 5437
- Victim of crime benefits, revised eligibility standards, availability of counseling services: \*SHB 1884, CH 301 (1991)
- Victims, use of address designated by secretary of state to protect persons by restricting disclosure of their addresses: \*SB 5906, CH 23 (1991)
- Work and home addresses, disclosure prevented to protect person's life, physical safety, or property, effective date moved to July 1, 1992: \*SHB 1511, CH 1 (1991)

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Member, Puget Sound Water Quality Authority, GA 9011,  
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"Resident" defined for purpose of obtaining driver's license: \*SB 5290, CH 73 (1991)

\* - Passed Leg.; E1 - 1st Special Session

- Driving instructors and schools, curriculum to include information on effect on driving of alcohol and drug use: \*SHB 1919, CH 217 (1991)
- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, SB 5266, \*SSB 5266, CH 293 (1991)
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 5129
- Grade point average of two and five-tenths on a four-point scale for applicants under eighteen: SB 5515
- Highway safety fund, all drivers' license fees to be deposited in: SB 5431
- Implied consent law, reversal of revocation when cause was nonalcohol or nondrug-related medical condition, expungement: SB 5399
- Implied consent violation, rescission of revocation of driving privileges for, circumstances requiring: \*SHB 1704, CH 339 (1991)
- Jury source list, merger of list of persons issued a driver's license and list of all registered voters, plan requirements: SB 5026, SSB 5026
- Juveniles, revocation of driving privileges based on local ordinance: \*SB 5053, CH 260 (1991)
- Rescission of revocation of driving privileges, circumstances requiring: \*SHB 1704, CH 339 (1991)
- Revocation, suspension, or denial of driving privileges, summary procedures: SB 5064
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- "Driving while intoxicated" changed to "driving under the influence of intoxicating liquor or any drug": \*HB 1757, CH 290 (1991)
- Driving privileges, rescission of revocation, circumstances requiring: \*SHB 1704, CH 339 (1991)
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- Intoxication, changing blood and breath standards: HB 1151, SB 5069, SSB 5069
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- Negligent driving in the first degree, defined and penalties established: SHB 1183
- Punitive damages for personal injuries or deaths resulting from driving while intoxicated: SHB 1676
- Revocation, suspension, or denial of driving privileges, summary procedures: SB 5064
- Vehicular homicide or assault, drug and alcohol evaluation and treatment required as a condition of sentencing: \*SHB 1886, CH 348 (1991)

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- Capsule nonprescription drugs, secure storage required, inspection by pharmacist upon request: SB 5946
- Controlled substances, selling for profit, penalties increased: \*HB 2073, CH 32 (1991), SB 5875
- Criminal profiteering and drug asset forfeiture laws, attorney general to assist local governments and state agencies to utilize: \*2SSB 5882, CH 345 (1991)
- Drug asset forfeiture and criminal profiteering laws, attorney general to assist local governments and state agencies to utilize: \*2SSB 5882, CH 345 (1991)
- Drug testing required for state elected officials, candidates, state employees: SB 5227
- Food, drug, and cosmetic act, technical revisions to the uniform act: \*HB 1955, CH 162 (1991)
- Gang and drug-involved juvenile offenders, three-step transitional treatment program for, conditions and requirements: \*SHB 1608, CH 326 (1991)
- Infants exposed to drugs, program to assess and monitor: SB 5193, SSB 5193
- Labeling information, over-the-counter medications, manufacturer responsibilities: \*SHB 1008, CH 68 (1991)
- Murder committed in the course of a controlled substance violation defined as aggravated murder: SB 5048
- Narcotics and criminal profiteering unit to be established in attorney general's office, duties of unit: SSB 5882
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- Nurse practitioners, authority of advanced practitioners to prescribe drugs: SB 5635, SSB 5635
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- Prescription drugs, insurance policies prohibited from limiting where prescriptions may be purchased: SB 5334
- Prescription drugs, nurse practitioners, authority of advanced practitioners to prescribe drugs: SB 5635, SSB 5635
- Prescription drugs, review of multitiered pricing of requested: SJM 8007
- Prescriptions written by authorized out-of-state prescribers may be filled by pharmacies in Washington: \*SHB 1789, CH 30 (1991)
- Prescriptions, filling of a prescription written by a nonstate-licensed authorized prescriber after six months permitted: SB 5109
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- Alternative fuel and solar powered vehicles research and development at Western Washington University authorized: \*SHB 1028, CH 199 (1991)
- Aquatic plants control, coordinated lake management program: \*SHB 1389, CH 302 (1991)
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- Degraded rivers, biennial report identifying degraded or endangered rivers: SHB 1836
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- Disposal facility capacity needs, department to assess need, factors to be considered: SHB 1865
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- Flood control permit applications, pilot cooperative, interjurisdictional permit processing program, duties: \*SSB 5411, CH 322 (1991)
- Flood plain management, may adopt by rule a plan if local governments fail to adopt a plan by October 31, 1991: SB 5704
- Freshwater aquatic weeds account, appropriations to department for weed management program: \*SHB 1389, CH 302 (1991)
- Ground water removal applications, approval or denial to be made within nine months: SB 5013
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- Hazardous substance release on real property, reporting and notice requirements: SB 5055, SSB 5055
- Hazardous substance transportation issues, department of ecology and office of marine safety to study: \*SHB 1027, CH 200 (1991)
- Hazardous substances releases, reporting and notification requirements, departmental duties: SB 5094
- Hazardous waste clean-up, certificate of completion, issuance and filing of: SB 5055
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- Home and garden pesticide product advisory board to be established, duties: SB 5575
- Lake management program, aquatic weeds control: \*SHB 1389, CH 302 (1991)

- Low-level waste handlers, obligation to indemnify and hold state harmless or to maintain liability coverage: SB 5645
- Marine safety and spill prevention office established in department: SB 5183
- Marine safety, office of marine safety created, powers, functions and duties transferred from department: \*SHB 1027, CH 200 (1991)
- Motor vehicle emission testing and inspections: \*SHB 1028, CH 199 (1991)
- Nooksack river sand and gravel management plan, department to develop: \*SHB 1864, CH 337 (1991)
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- Oil and hazardous substance spill prevention and contingency planning, authority and responsibility of director of ecology: \*SHB 1027, CH 200 (1991)
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- Packaging and packaging components, heavy metals to be eliminated from, compliance certification requirements: SSB 5591, \*2SSB 5591, CH 319 (1991)
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- Pulp and paper industry, to prepare a study of the impact of chlorinated organic compound emissions on environment: SSB 5724
- Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724
- Recycling funding, task force established, department duties: SHB 1459
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- Sludge dispersal, land application permit system, regulatory duties: SB 5751
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\* - Passed Leg.; E1 - 1st Special Session

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## **ELLINGTON, JUDGE ANNE**

- Reappointed Chair, Sentencing Guidelines Commission, GA 9144,  
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### ENDRESEN, MARK C.

- Reappointed Member, Public Employment Relations Commission, GA 9069, Confirmed. . . . . 2834, 3119

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### **ENGEL, ARLENE B.**

Member, Western State Hospital Advisory Board, GA 9070,

Confirmed. . . . . 190, 425

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\* - Passed Leg.; E1 - 1st Special Session

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**FAGERGREN, DUANE**

- Member, Puget Sound Water Quality Authority, GA 9012, Confirmed. . . . . 20, 94, 228

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\* - Passed Leg.; E1 - 1st Special Session



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**FARLEY, EILEEN P.**

Reappointed Member, Sentencing Guidelines Commission, GA 9195,  
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**FEARN, WILLIAM**

Member, Interagency Committee for Outdoor Recreation, GA 9073,  
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**FELT, KENDRA**

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**FENNERTY, FRANK**

Reappointed Member, Board of Industrial Insurance Appeals, GA  
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**FERGUSON, ADELE**

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\* - Passed Leg.; E1 - 1st Special Session

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- "Ten-mile rule," revised provisions: SSB 5647
- Beer, sale of beer on state ferries prohibited: SB 5330
- Collective bargaining for ferry employees, revised provisions: SB 5378
- Commercial ferry operators, revised regulatory provisions: SSB 5647
- County ferries, capital improvement requests, evaluation by county road administration board: \*SHB 2050, CH 310 (1991)
- County ferries, operating and maintenance deficit, state reimbursement for, maximum amount raised: \*SHB 2050, CH 310 (1991)
- Marine transportation department created, organization, powers, and duties regarding state ferry system: SB 5945
- Polystyrene products, use in food service and packaging prohibited on ferries and in ferry terminals: SB 5855, SSB 5855
- State ferry crossing, declaration of intent to operate, effect: SSB 5647
- State ferry route may not be operated or maintained if it infringes on an existing commercial ferry route: SSB 5647
- Steamboat operators, regulation revisions: SB 5647

**FICKLIN, JERRY K.**

- Member, Puget Sound Water Quality Authority, GA 9013,  
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**FINANCIAL INSTITUTIONS**

- Account information may be disclosed to law enforcement agencies pursuant to unpaid dishonored items, records certificate form: SB 5494, \*SSB 5494, CH 168 (1991)
- Dishonored checks, financial institution may provide holder of check with copy of drawer's statement of account, conditions and restrictions: \*SSB 5494, CH 168 (1991)
- Dishonored checks, notice of dishonor to contain caution that law enforcement agencies may be provided copy of notice: \*SSB 5494, CH 168 (1991)
- Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737
- Employees may report financial transactions to law enforcement agencies if unlawful activity is suspected, certification form: SB 5494, \*SSB 5494, CH 168 (1991)
- Guardian access to ward's assets, procedure established: \*SHB 1510, CH 289 (1991)

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- Attorney fees and costs, assessment against state when not prevailing party in civil action, annual report to legislature: SSB 5289
- Capital appropriations and expenditures monitoring, data capture requirements, duty to develop: \*SHB 2140, CH 358 (1991)

- Capital project appropriation to non-state entity, office to develop spending method guidelines: \*HB 1428, CH 284 (1991)
- Capital projects, disbursement of state funds in proportion to matching funds or other contributions required: \*HB 1428, CH 284 (1991)
- Capital projects, including transportation projects, annual report on significant cost overruns or underruns: \*SHB 2140, CH 358 (1991)
- Caseload forecasts, director to employ caseload forecast supervisor, duties: SB 5702
- Higher education institutions and branch campuses, enrollment level to be monitored by office, compliance powers: SB 5784
- Mental health services for children, services delivery plan development: SHB 1609
- Mental health services for children, to conduct biennial inventory of: \*SHB 1608, CH 326 (1991), SHB 1609
- Municipal annexation, population determination of area subject to approval and certification: SB 5550
- Personal services contracts, approval by office required before contracts become binding: SHB 1133
- Personal services contracts, contracts between state agencies and legislators, approval procedures: SHB 1133
- Personal services contracts, to maintain list of contracts entered into by state agencies: SHB 1133
- Receivables, authority to charge interest on past due debts, rulemaking authority: \*HB 1228, CH 85 (1991)
- Retired and disabled public employee health care benefits study commission established, duties: SHB 1796
- State convention and trade center, completion costs to include construction litigation settlement costs: \*HB 1818, CH 2 (1991), SB 5601
- Transportation agencies, six-year program and financial plans, director to provide instructions for submitting: \*SHB 2140, CH 358 (1991)

### **FIRCREST SCHOOL**

- Appropriation to bring school into compliance with federal requirements: SB 5315

### **FIRE FIGHTERS**

- Collective bargaining extended to uniformed personnel of all cities, towns, and counties: HB 1362, SB 5384
- Driving records, information related to driving in the performance of duty excluded from abstract of record: \*HB 1024, CH 243 (1991)
- Duty hours, provisions revised: SB 5409
- Fire district commissioner serving as volunteer fire fighter, reimbursement of expenses not considered compensation: HB 1193
- Occupational diseases, heart disease and cancer presumed to be: SB 5044
- Radio dispatch personnel included in definition of "uniformed personnel" for collective bargaining: SHB 1959

Retired, eligibility to elect and be elected to pension board: SHB 1269,  
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### **FIRE PROTECTION**

- Fire service training center bond retirement account reestablished: \*SHB 1058, CH 13 E1 (1991)
- Fire services trust fund created to fund investigations, code enforcement, education, and administration: \*SHB 1852, CH 135 (1991), SB 5541, SSB 5541, SB 5606
- Forest fires, interstate forest fire suppression compact, authority to enter into: \*SHB 1208, CH 131 (1991)
- Forest fires, investigative duties of department of natural resources: SHB 1205
- Forest fires, liability for expenses of fighting fire: SHB 1205
- Forested areas, increased planning and maintenance requirements to reduce fire risk: SB 5093
- Schools, automatic fire-extinguishing system required in newly constructed schools: SB 5261, \*SSB 5261, CH 170 (1991)
- Separate fire protection contract between city or town and state agency allowed: SB 5947
- Smoke detectors, fine increased for failure to install: \*HB 1096, CH 154 (1991)
- Sprinkler systems, installation of inoperable systems, class C felony: SHB 1821
- Sprinkler systems, surety bond from contractor required before license issued: \*HB 2231, CH 6 E1 (1991)
- Sprinkler systems, unlicensed fire sprinkler contractor installing, gross misdemeanor: SHB 1821

### **FIRE PROTECTION DISTRICTS**

Commissioner serving as volunteer fire fighter, reimbursement of expenses not considered compensation: HB 1193

### **FIREARMS**

- Armed private detectives, firearms registration and training requirements: \*SHB 1181, CH 328 (1991)
- Armed private security guards, firearms registration and proficiency requirements: SHB 1180
- Capitol buildings, firearms prohibited in: SHB 1202, SB 5051
- Community corrections officers authorized to carry: SB 5321
- Concealed weapons permit, ineligibility of person ineligible under federal law to possess a weapon: SHB 1016
- Concealed weapons permit, revocation upon issuance of an order to forfeit a firearm: SHB 1016
- Crimes committed while armed, penalties increased: SB 5054
- Crimes, storage of loaded firearm where child is able to gain access to it: SB 5164

\* - Passed Leg.; E1 - 1st Special Session

- Criminal offenders, possession of firearms or ammunition prohibited, penalties: SB 5825, \*SSB 5825, CH 221 (1991)
- Intoxication, changing blood and breath standard for persons under twenty-one: HB 1151, SB 5069
- Intoxication, changing blood and breath standards: SSB 5069
- Intoxication, standard for measuring intoxication: SB 5067
- Judicial proceedings, firearms prohibited in building or room used to conduct: SB 5123
- Semiautomatic weapons, five-day waiting period required on purchases of: SB 5482
- Trigger-locking device on handguns, dealer to offer for sale, dealer and purchaser responsibilities: SHB 1903
- Unlawful storage of firearm, penalties for allowing minors easy access: SHB 1900

## **FIRES, OUTDOOR**

- Fabric burning restricted, including flags: SB 5073

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- License fees, rates set, receipts to be placed in fire services trust fund: \*SHB 1852, CH 135 (1991)
- Safety education, fire services trust fund may be used for: \*SHB 1852, CH 135 (1991)

## **FISH**

- Agricultural nuisances, fish and fish products included in definitions relating to: \*SHB 1954, CH 317 (1991)
- Fin fish rearing facilities permit appeal process: HB 1387
- Game fish mitigation program, purchase of game fish from aquatic farmers for stocking purposes: \*SHB 1416, CH 253 (1991)
- Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343
- Mitigation requirements, plan to meet propagation and protection requirements fully included purchase from aquaculture farmers: \*SHB 1416, CH 253 (1991), SB 5343
- Salmon labeling, identification of species and origin of fish requirements: \*HB 1572, CH 232 (1991)

## **FISHERIES, DEPARTMENT OF**

- Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SB 5158, SSB 5158
- Commercial salmon licenses and delivery permits transferable only to immediate family members, proof required: SB 5501
- Commercial salmon licenses, director to investigate the requirements for issuance and make recommendations: \*SSB 5501, CH 144 (1991)

- Endangered species, director to assess population levels of walleye pollack, ling cod, and other endangered Puget Sound species: SB 5229
- Fisheries and wildlife departments transferred to department of natural resources: SB 5971
- Fisheries patrol officers and their watercraft, uniforms and marking requirements: SB 5112
- Fisheries patrol officers, authority to conduct searches of recreational fishers limited: SB 5099
- Fishery patrol and wildlife officers, commensurate salaries recommended: SCR 8410
- Flood control improvements repair, emergency hydraulic permit issuance: SHB 1490
- Food fish and shellfish poaching hotline, operation by department: SB 5118, SSB 5118
- Food fish law violations, state-wide twenty-four hour toll-free hotline for reporting of, operations by department: SB 5118, SSB 5118
- Hood Canal salmon, management of commercial fishery: SB 5158, SSB 5158
- Hydraulic project approval, projects on single-family residence property, procedure, advisory committee: SB 5624, \*SSB 5624, CH 279 (1991)
- Hydraulic projects permits, fees imposed upon applicants for: SB 5609
- Nets, assessment of feasibility of increasing the degradability of nets: SB 5327
- Nets, identification and marking of nets, duties: SB 5327
- Nets, recovery of lost, abandoned, or discarded nets, duties regarding: SHB 1012, SB 5327
- Pacific cod spawning areas closure in certain Puget Sound waters: SB 5229
- Pink salmon, to improve fishery through use of "Alaska" method: SB 5059
- Quinault, Queets, and Raft rivers, commercial fishing seasons to be established for chum and sockeye salmon: SB 5685
- Regional game fish enhancement groups, duties: SB 5500, SSB 5500
- Salmon and steelhead, department authorized to act to protect populations from nonendangered marine mammals: SB 5666
- Salmon and steelhead, department to pursue authority to lethally remove nonendangered marine mammals preying on: SSB 5666
- Salmon production designated as primary mission of department: SB 5302
- Skagit river salmon recovery plan, director of fisheries to prepare: SB 5675
- Toutle River hatcheries, reconstruction and operation: SB 5083, SSB 5083, 2SSB 5083

#### **FISHING, COMMERCIAL (See also SALMON)**

- Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002

- Business and occupation tax exemption for initial sale in state of fish caught outside state waters: SB 5898
- Business and occupation tax, exemption for extractors taking fish in waters without this state for initial sale in state: SB 5300, SSB 5300
- Business and occupation tax, persons engaged in commercial fishing business exempt from tax: SB 5058
- Chinook salmon, minimum length requirement, troll caught salmon: SB 5057
- Closure for conservation of Pacific cod in certain Puget Sound waters: SB 5229
- Elwah river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010
- Hood Canal salmon management: SB 5158, SSB 5158
- Nets, identification and marking of nets, penalty for failure to do so: SB 5327
- Nets, intentional discarding of or failure to notify department of lost or abandoned net prohibited, penalty: SHB 1012, SB 5327
- Nets, recovery of lost, abandoned, or discarded nets, duties and responsibilities regarding: SHB 1012, SB 5327
- Pacific cod fishing prohibited in certain Puget Sound waters: SB 5229
- Quinalt, Queets, and Raft rivers, commercial fishing seasons to be established for chum and sockeye salmon: SB 5685
- Salmon licenses and delivery permits transferable only to immediate family members: SB 5501
- Salmon licenses, director of fisheries to investigate the requirements for issuance and make recommendations: \*SSB 5501, CH 144 (1991)

#### **FISHING, RECREATIONAL (See also SALMON)**

- Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002
- Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SB 5158, SSB 5158
- Closure for conservation of Pacific cod in certain Puget Sound waters: SB 5229
- Coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Elwah river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010
- Enforcement powers of fisheries patrol officers, authority to conduct searches limited: SB 5099
- Fees increased: \*HB 2235, CH 7 E1 (1991)
- Fees, director and wildlife commission to make recommendations on changing rates for hunting and fishing fees for consumptive programs: SSB 5130
- Fisheries patrol officers and their watercraft, uniforms and marking requirements: SB 5112
- Food fish and shellfish poaching hotline: SB 5118, SSB 5118

- Food fish law violations, state-wide twenty-four hour toll-free hotline for reporting of: SB 5118, SSB 5118
- Hooks, restrictions on use of barbed hooks: SB 5099
- License fees increased: SHB 1850, \*HB 2235, CH 7 E1 (1991)
- License, seventy-year-old residents' eligibility for free license removed: SHB 1850
- Licenses, director of department of wildlife to administer: SB 5764
- Licenses, director of department of wildlife to establish administrative rules for combined license format: SB 5764
- Licenses, permanent free licenses for disabled veterans who have been residents for five years: SB 5426
- Pacific cod fishing prohibited in certain Puget Sound waters: SB 5229
- Regional fisheries enhancement groups, participation in coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Regional game fish enhancement group advisory board established, membership and duties: SB 5500, SSB 5500
- Regional game fish enhancement groups established: SB 5500, SSB 5500
- Salmon guides, license required for professional salmon fishing guides: SB 5082, \*SSB 5082, CH 362 (1991)
- Steelhead, annual catch record card: SB 5081, SSB 5081
- Steelhead, two-day catch record card: SB 5081, SSB 5081

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- Fabric burning restricted, including flags: SB 5073
- United States flag, congress asked to propose constitutional amendment to prohibit physical desecration of: SJM 8008

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- Comprehensive flood control management plan, advisory committees to assist in development, authorized: SHB 1490
- Comprehensive flood control management plan, counties may adopt for any drainage basin in the county: SHB 1490
- Comprehensive state program of flood control management and protection in cooperation with counties and cities: \*SSB 5411, CH 322 (1991)
- Emergency hydraulic permits for repair of flood control improvements damage in the November 1990 flood: SHB 1490
- Flood control enhancement, state participation in: SHB 1490
- Flood control options expanded: SB 5817
- Flood damage prevention and reduction projects, expedited consideration of applications for: \*SSB 5411, CH 322 (1991)
- Flood damage prevention and reduction projects, permits and authorizations for, development of informational brochure required: \*SSB 5411, CH 322 (1991)
- Flood damage reduction, joint select committee on, membership and duties: \*SSB 5411, CH 322 (1991)
- Flood damage relief, presidential disaster declaration urged to include storm of December 26-28, 1990: HJM 4017



- Flood damage, program to prevent, minimize, and alleviate: SB 5411, \*SSB 5411, CH 322 (1991)
- Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
- Livestock flood sanctuary areas to be included in local government flood plain management regulations: SB 5411, \*SSB 5411, CH 322 (1991)
- Permit applications, pilot cooperative, interjurisdictional permit processing program, objectives and procedures: \*SSB 5411, CH 322 (1991)
- Shoreline management master programs, consideration of prevention and minimization of flood damages required: \*SSB 5411, CH 322 (1991)
- State flood damage reduction commission, membership and duties: SHB 1491
- Watercourse management task force to be formed, membership and duties: \*SSB 5411, CH 322 (1991)

### **FLOOD CONTROL DISTRICTS**

- Directors, per diem compensation increased: \*SHB 1194, CH 349 (1991)

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- Adulteration, processing plant license suspension for conditions allowing: \*SHB 1956, CH 257 (1991), \*SHB 1957, CH 137 (1991)
- Food, drug, and cosmetic act, technical revisions to the uniform act: \*HB 1955, CH 162 (1991)
- Processing plant license suspension for conditions allowing adulteration of food: \*SHB 1956, CH 257 (1991), \*SHB 1957, CH 137 (1991)
- Processing plant licensing required to protect public from unsafe, adulterated, or misbranded food: \*SHB 1956, CH 257 (1991), \*SHB 1957, CH 137 (1991)
- Salmon labeling, identification of species and origin of fish requirements: \*HB 1572, CH 232 (1991)

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### **FOREST PRACTICES (See also TIMBER)**

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Community and urban forestry program, department of natural resources duties: SHB 1111, \*SB 5264, CH 179 (1991)

Even-aged harvest methods within water resource inventory area monitoring system, forest practices board to establish and review: SB 5616

Fees imposed on applicants for forest practice permits to assist with review and permitting costs related to environmental protection: SB 5604

Fire risk, increased planning and maintenance requirements to reduce: SB 5093

Forest burning, emission reduction program: \*SHB 1028, CH 199 (1991), SB 5326

Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SB 5445, SSB 5445

Forest resources conservation and shortage relief act of 1990, department of revenue and department of natural resources duties: SB 5925, SSB 5925

Islands, forest practices board to establish rules related to practices on: SB 5616

Public forests commission created, membership and duties: SB 5527

Screening, analysis, and threshold system, forest practices board to establish by rule: SB 5616

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Wildlife habitat provisions, rulemaking authority of forest practices board: SB 5616

Woodland stewardship assistance for nonindustrial forest and woodland owners, program established: \*HB 1812, CH 27 (1991)

### **FOREST PRODUCTS INDUSTRY**

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- Drug asset forfeiture and criminal profiteering laws, attorney general to assist local governments and state agencies to utilize: \*2SSB 5882, CH 345 (1991)
- Drug asset forfeiture and criminal profiteering unit established, duties: SB 5882
- Drug asset forfeiture, identification of assets that may be forfeited: SB 5882
- Felonies, seizure and forfeiture of property involved in commission of a felony: SHB 1616
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- Assessment of children in care to determine appropriate level of residential and treatment services: \*SHB 1608, CH 326 (1991)
- Citizen review boards, Indian child welfare advisory committee to serve as board for Indian children: SHB 1940, SB 5127, SSB 5127, \*2SSB 5127, CH 127 (1991)
- Citizen review boards, county pilot programs established: SHB 1940
- Citizen review boards, pilot program extended to three counties: SB 5127, SSB 5127, \*2SSB 5127, CH 127 (1991)
- Citizen review boards, revised duties: SHB 1940, SB 5127, SSB 5127, \*2SSB 5127, CH 127 (1991)
- Complaint process, complaints against children and family services division brought by clients, foster parents, or other individuals, procedures established: SB 5664, SB 5916, \*SSB 5916, CH 340 (1991)
- Complaints against department of social and health services, judicial review of reprisals or retaliatory actions taken against complainant: \*SHB 1608, CH 326 (1991)
- Dispositional and subsequent hearings concerning foster child, foster parents right to notice of, right to attend, and to testify: SB 5665
- Foster parent may become party to dependency proceeding when child has resided in home for six months or more: SB 5422, SB 5916
- Foster parent or relative care provider allowed to attend dependency review proceedings and receive notice of hearings: \*SSB 5916, CH 340 (1991)
- Foster-adopt parent, license criteria established: SB 5916, \*SSB 5916, CH 340 (1991)
- Foster-adopt parent, petition to terminate parent-child relationship if child has resided a year or more in foster-adopt home, procedures: SB 5916, \*SSB 5916, CH 340 (1991)

- Liability insurance for foster parents, secretary of social and health services to provide: SB 5341, SSB 5341, \*SSB 5341, CH 283 (1991)
- License renewal for foster family home, deadline for requesting renewal: HB 1053, SB 5090, \*SSB 5090, CH 14 (1991)
- Monitoring of children in out-of-home placements, requirements: SB 5061
- Notice to foster parent or care provider prior to placement change, contents of notice, including advice of right to review of decision: \*SHB 1608, CH 326 (1991), SB 5664, SB 5916, \*SSB 5916, CH 340 (1991)
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#### **FOX, JAMES**

- Member, Interagency Committee for Outdoor Recreation, GA 9075, Confirmed. . . . . 118, 448

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- Bookmaking, revised provisions and penalties: \*SB 5441, CH 261 (1991)

- Fund raising events, reference to fund raising events removed from games charitable and nonprofit groups authorized to conduct: SB 5772, SB 5940
- Gambling revolving fund moneys not to be loaned or transferred to any other fund or account: SB 5992
- Indian gaming compacts, gambling commission to negotiate with tribe to enter into tribal-state compact: SB 6004
- Indian gaming compacts, joint legislative committee created to review proposed compacts: SB 5860
- Indian gaming compacts, joint legislative committee created to review, duties: SB 6004
- Punchboards and pulltabs, tax, rate not to exceed ten percent of net proceeds: SB 5637
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#### **GAMBLING COMMISSION .**

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- Patrick J. Graham, Reappointed Member, GA 9080,  
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- Robert M. Tull, Reappointed Member, GA 9042,  
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- Gambling revolving fund moneys not to be loaned or transferred to any other fund or account: SB 5992
- Indian gaming compacts, commission to negotiate with tribe to enter into tribal-state compact, duties: SB 6004

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**GAUNT, JANET L.**

Reappointed Chair, Public Employment Relations Commission, GA 9015, Confirmed. . . . .	22, 363, 660
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**GEBBIE, KRISTINE M.**

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- Pesticides, to develop specifications for pesticide purchase consistent with integrated pest management practices: SHB 1486
- Prisons, new construction expedited by using general contractor/construction manager method, department duties: \*SHB 1777, CH 130 (1991)
- Public works, preference for in-state contractors: SB 5176
- Real property, authority to purchase for inclusion in facility land bank: SHB 1563, SB 5470
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- Rental charges, to develop plan for assessing rental charges to occupants of state office and support facilities: \*SHB 1430, CH 31 E1 (1991)
- Water use efficiency, to develop and implement to evaluate state-owned facilities and property in order to improve: \*SHB 2026, CH 347 (1991), SB 5736

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- Leases of state lands for development, department of natural resources to develop guidelines and procedures: \*HB 1277, CH 76 (1991)
- Leasing of state-owned lands for geothermal resource development, department of natural resources to adopt rules: SB 5681

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- Transfers to minors, adoption of uniform act: \*SHB 1088, CH 193 (1991)
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**GILBERT , WARREN J. JR.**

- Trustee, Western Washington University, GA 9078,  
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**GLASSFORD, WILLIAM IV**

- Member, Small Business Export Financial Assistance Center Board of Directors, GA 9152, Confirmed . . . . . 32, 2835, 3488

**GLORE, LYNNE**

- Trustee, Grays Harbor Community College District No. 2, GA 9079,  
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\* - Passed Leg.; E1 - 1st Special Session

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Trustee, Everett Community College District No. 5, GA 9081,  
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**HAGEROTT, RUTH J.**

Member, Western State Hospital Advisory Board, GA 9082,  
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**HAGUE, BRIGADIER GENERAL DENNIS**

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\* - Passed Leg.; E1 - 1st Special Session

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- Spill prevention and response, Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428
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- Environmental and molecular sciences center to be established at Washington State University/Tri-Cities branch: \*SHB 1196, CH 156 (1991)
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- Low-level radioactive waste site operators, fee payment on operating revenue to equal cost of supervising and regulating operators: SHB 2031
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- Low-level radioactive waste sites, reduction in business and occupation tax rate effective July 1, 1991: SB 5756, \*SSB 5756, CH 272 (1991)
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- Low-level radioactive waste, seven dollar per cubic foot surcharge imposed: SHB 2031
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- Basic health plan, enrollment of dislocated timber workers authorized, conditions: \*SSB 5555, CH 315 (1991)
- Basic health plan, immunization schedule compliance for children enrolled in plan, required: SB 5540, SSB 5540
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- HIV infected person, notice to employer or facility administrator required, conditions and limitations: SSB 5457
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- HIV tests, authority to conduct test on patient if provider determines that test is needed to protect health of any provider: SSB 5457
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- Health training and education programs, changes in requirements for college and university institutional plans: \*SB 5985, CH 27 E1 (1991)
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- Center for health statistics created as sole vital statistics system for state, records to be maintained and procedures to be followed: \*SHB 2056, CH 96 (1991)
- Clinical laboratory science practitioners, licensing requirements: SB 5907
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- Health care professions regulatory boards, secretary authorized to review and approve or disapprove actions or failures to act by boards: SB 5859
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- Health professionals, state-wide recruitment and retention clearinghouse, departmental duties: \*SHB 1960, CH 332 (1991)
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- Physical therapists, licensing requirements: \*SHB 1200, CH 12 (1991), SB 5146
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- Rural health care services program pilot project established, department duties: SB 5782, SSB 5782, 2SSB 5782

- Sex offense victims, medical care protocols and evidence collection procedures: SB 6007
- State-wide health personnel resource plan, recruitment and retention plan: \*SHB 1960, CH 332 (1991), SB 5514, SSB 5514
- Steel jaw traps, approval of use by state employees in public health, safety or welfare emergency, duties: SB 5459
- Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567
- Veterinarians, specialized veterinary medicine licensure authorized: \*SHB 1960, CH 332 (1991)
- Vital records copies' fees to be established by department to make program self-sufficient: SB 5958
- Vital statistics, center for health statistics created as sole vital statistics system for state, records to be maintained and procedures to be followed: \*SHB 2056, CH 96 (1991)
- Water management, areas without significant water resource problems designation, duties: SB 5765, SSB 5765
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- HIV infected person, health care professions, public contact in course of employment, informed consent requirements, rulemaking authority: SSB 5457
- Immunization schedule for children, health care professionals and health and long-term care workers, rulemaking authority, notice requirements: SB 5540, SSB 5540
- Mobile home parks, annual inspection and standard compliance, duties: SB 5911
- On-site sewage disposal systems, design and installation, authority to require certification of persons other than engineers: SB 5798
- Tobacco products purchase and use by minors, board authorized to adopt rules to control: SHB 1158
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Heat and electrical service assistance programs for low-income persons continued: \*HB 2059, CH 165 (1991)

Home heating assistance for low-income persons extended to June 30, 1995: SB 5904

Oil heat advisory committee created, membership and duties: SB 5677, SSB 5677

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**HENDRICKS, D. G.**

Member, Small Business Export Financial Assistance Center Board of Directors, GA 9083, Confirmed . . . . . 2834, 3173

**HENINGER, IRENE**

Member, Public Disclosure Commission, GA 9170, Confirmed. . . . . 790, 1727, 1728, 2100

**HESTON, DR. LEONARD L.**

Director, Mental Illness Research and Training Institute, Eastern and Western State Hospital Advisory Board, GA 9084, Confirmed.... . 190, 542

**HIGGINS, ROBERT M.**

Member, Transportation Commission, GA 9165 . . . . . 598

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\* - Passed Leg.; E1 - 1st Special Session

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 Local master's degree teacher training program: SHB 1293, SB 5413, SSB 5413  
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857  
 Pacific Rim language scholarship, provisions expanded: SB 5505  
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 Spokane intercollegiate research and technology institute, board membership and duties: \*HB 2198, CH 205 (1991)  
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\* - Passed Leg.; E1 - 1st Special Session

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**HOBBS, DONALD V.**

Reappointed Member, Pharmacy Board, GA 9149,  
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**HODGE, MINH-ANH**

Reappointed Trustee, Columbia Basin Community College District No. 19, GA 9085, Confirmed . . . . . 66, 184

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Purple heart recipient recognition day, August 7, established, not considered a legal holiday: HB 2221  
Washington national guard day created: \*SB 5678, CH 57 (1991)

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Child care and respite care, special care authorized for children of homeless parents: SB 5653; SSB 5653  
Community stabilization act, assistance with mortgage and rent payments to avoid homelessness: SHB 1747  
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Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360  
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\* - Passed Leg.; E1 - 1st Special Session



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Racetracks, reimbursement of new licensee for capital construction expenses for new racetrack authorized: \*SHB 1120, CH 270 (1991)

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Breeder awards, retention of percentage by new licensee for reimbursement of capital construction expenses for new racetrack: \*SHB 1120, CH 270 (1991)

Consignor's name may be announced to potential buyers: \*SB 5036, CH 17 (1991)

Gross receipts, disbursement of daily receipts: \*SHB 1120, CH 270 (1991)

Jockeys, workers' compensation coverage extended to: SHB 1952

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Satellite wagering locations, restrictions on: \*SHB 1120, CH 270 (1991)

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Hospice benefits extended: \*HB 1536, CH 119 (1991)

Hospice program extended: SB 5761

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Clinical privileges and staff membership to be extended to nonphysician health care practitioners within the scope of their practice: SHB 2084

Disproportionate share hospital adjustments, department of social and health services to consider components: \*HB 2237, CH 9 E1 (1991)

Excise tax imposed at rate of twenty percent of state medicaid receipts to fund medicaid: \*HB 2237, CH 9 E1 (1991)

Free hospitals, sales and use tax exemption on necessity items: SB 5524

Medicare beneficiaries, notices of discharge and appeal rights, hospital required to provide to: SB 5880

Nonprofit hospitals, exemption from business and occupation tax conditioned on providing specified amount of charity care: SB 5574

Rural hospitals, essential health care services to medical assistance clients, payment provisions: SB 5597

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Heat and electrical service assistance programs for low-income persons continued: \*HB 2059, CH 165 (1991)

Home heating assistance for low-income persons extended to June 30, 1995: SB 5904

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David L. Carlson, Reappointed Member, GA 9059, Confirmed . . . . .	279, 1283
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\* - Passed Leg.; E1 - 1st Special Session

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Renter's insurance, credit history not to be use in determining eligibility or rates for renter's insurance: SB 5734

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- Reappointed Member, Indeterminate Sentence Review Board, GA 9017, Confirmed. . . . . 18, 278, 1262

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- Reappointed Trustee, Shoreline Community College District No. 17, GA 9018, Confirmed. . . . . 24, 232, 310

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**JONES, JOE C.**

Reappointed Member, Interagency Committee for Outdoor Recreation,  
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 \*SHB 1881, CH 313 (1991)  
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 1105, CH 123 (1991), SB 5000, SB 5001, SB 5024, SB 5309, SSB  
 5309  
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Compensation of jurors to be at least state minimum wage: SB 5084, SSB  
 5084  
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 requested to conduct study of appropriate standards: SB 5026, SSB  
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**JUVENILE COURT**

Admissibility of children's statements, provisions apply to juvenile proceedings: \*SHB 1830, CH 169 (1991)

Adoption, foster parent may place document indicating desire to adopt foster child in court records: SB 5665

Disposition standards for juvenile offenders, revised standards: SHB 1690, SB 5365

Foster parent may become party to dependency proceeding when child has resided in home for six months or more: SB 5422, SB 5916

Foster parent or relative care provider allowed to attend dependency review proceedings and receive notice of hearings: \*SSB 5916, CH 340 (1991)

Juvenile issues task force created, membership and duties, review of past legislation and current issues: SSB 5167, \*2SSB 5167, CH 234 (1991)

Juvenile justice act amendments: SB 5167

Performance agreements to ensure permanent placements for dependent children, procedure, judicial review: SB 5079

Permanent placement for dependent children, goal of placement with biological or adoptive family as soon as possible: SB 5665, SSB 5665

Punishment plus approach to juvenile offenders: SB 5167

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Sentencing standards: SB 5167

Serious habitual offender program established, duties: SB 5739, SSB 5739

Sexual contact with child, admission of child's statement regarding attempted acts of: SSB 5065

Termination of parental rights, conditions warranting permanency plan that seeks termination: SB 5665, SSB 5665

Victim-offender reconciliation program: SB 5163

**JUVENILE DISPOSITION STANDARDS COMMISSION**

Keith Anderson, Member, GA 9166,

Confirmed. . . . . 643, 1727, 1830

Connie Crawley, Reappointed Member, GA 9167,

Confirmed. . . . . 644, 1727, 1918

William S. Pine, Member, GA 9108, Confirmed . . . . . 1726, 1769

Carolyn Pinkett, Member, GA 9169, Confirmed. . . . . 672, 1727, 1919

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Racial disproportionality in juvenile justice system, study authorized: SHB 1901

\* - Passed Leg.; E1 - 1st Special Session

Review task force created: SHB 1901

Review task force, membership to reflect racial diversity of juveniles served under act: SHB 1901

**JUVENILE OFFENDERS**

Admissibility of children's statements, provisions apply to juvenile proceedings: \*SHB 1830, CH 169 (1991)

Boot camp program for juvenile offenders, authority to establish: SB 5287

Disposition standards, revises standards: SHB 1690, SB 5365

Gang and drug-involved juvenile offenders, three-step transitional treatment program for, conditions and requirements: \*SHB 1608, CH 326 (1991)

Juvenile issues task force created, membership and duties: SB 5167, SSB 5167, \*SSB 5167, CH 234 (1991)

Juvenile justice act amendments: SB 5167

Punishment plus approach: SB 5167

Sentencing standards: SB 5167

Serious habitual offender program established, provisions: SB 5739, SSB 5739

Three phase treatment program for offenders involved with gangs or drugs, established: \*SHB 1608, CH 326 (1991)

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**KELLY, KAREN A.**

Member, Eastern State Hospital Advisory Board, GA 9088,  
Confirmed. . . . . 191, 542

**KELLY, KEVIN**

Member, Eastern State Hospital Advisory Board, GA 9089,  
Confirmed. . . . . 191, 942

**KELLY-WATKINS, KRIS**

Member, Small Business Export Financial Assistance Center Board of  
Directors, GA 9136, Confirmed . . . . . 2835, 3429

**KESSLER, LYNN**

Trustee, Grays Harbor Community College District No. 2, GA  
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**KIMURA, ALMA MISAOKO**

Reappointed Member, Public Disclosure Commission, GA 9080,  
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Preschool state education and assistance program, revised provisions and appropriation to fund: SB 5382, SSB 5382

\* - Passed Leg.; E1 - 1st Special Session

**KING COUNTY**

- District court judges, number increased: \*HB 1467, CH 354 (1991)
- Planning policy, multi-county planning policy required in King, Pierce, and Snohomish counties: \*SHB 1025, CH 32 E1 (1991)
- Snoqualmie river management program, county participation in development of: SB 5872
- Superior court judges, twelve positions added: \*SHB 1127, CH 299 (1991), SB 5285, SB 5338, SSB 5338

**KLEIN, IRA S.**

- Member, Western State Hospital Advisory Board, GA 9091, Confirmed. . . . . 191, 943

**KNECHTEL, DOROTHY**

- Reappointed Trustee, Spokane Community College District No. 17, GA 9019 . . . . . 24

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**LABOR AND INDUSTRIES, DEPARTMENT OF**

- Apprenticeship program services, provision as part of gang risk prevention and intervention pilot programs: SB 5830, SSB 5830, \*2SSB 5830, CH 296 (1991)
- Asbestos projects, fines may be waived if failure to comply was unintentional: SB 5741
- Backflow prevention assembly installers and testers, certification requirements: SB 5153

\* - Passed Leg.; E1 - 1st Special Session



- Child labor law education office created to assist employers in meeting child labor law standards: SB 5517
- Child labor laws, enforcement duties, penalties: \*SB 5558, CH 303 (1991)
- Child labor laws, enforcement, penalties for violations: SB 5154
- Child labor standards, safety and health provisions, enforcement provisions: SB 5405
- Child labor standards, wage payment violations, enforcement provisions: SB 5405
- Confidentiality of information acquired by department through research, demonstrations, experiments, and employer-requested services: SB 5212
- Contractor registration, informational seminar on laws and practices, may require attendance as condition of: SHB 1207, SB 5152
- Electricians, continuing education requirements established for renewal of certificate, rulemaking authority: SB 5578
- Foundation for families act, responsibilities: SHB 1471, SB 5404
- Hazardous substances exposure in workplace that may cause birth defects or harm reproductive system, department responsibilities: SB 5242
- Hazardous substances that may harm fetus, health and safety standards adoption duties: SHB 1725
- Health and safety standards for office environment, department duties: SHB 2128
- Industrial insurance labor-management cooperation program established, duties: SB 5374, \*SSB 5374, CH 172 (1991)
- Industrial insurance premiums and unemployment compensation contributions, contractor avoidance of, study of: \*HB 1244, CH 34 (1991)
- Industrial insurance premiums, contractor avoidance of, study by employment security and labor and industries departments: \*HB 1244, CH 34 (1991)
- Industrial safety and health violations, civil penalties increased: \*HB 1355, CH 108 (1991), SB 5215
- Industrial safety, regulatory discretion in applying rules that involve a disruption of work that increases risk to worker: SB 5786
- Office environment health and safety standards, department duties: SHB 2128
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- Wage payment laws, civil penalties for violations of: SB 5155

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- Agricultural labor relations board created, membership, powers, and duties:  
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- Consultants, registration with secretary of state: HB 1122
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- Lockouts, eligibility of workers for unemployment compensation: HB 1279
- Metropolitan transportation system, labor union or municipal corporation  
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- State employees granted right to organize and bargain, conditions and  
 procedures: SHB 1655, SB 5545
- State employees' relations commission, membership and duties: SHB 1655,  
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### LADENBURG, JOHN

Reappointed Member, Sentencing Guidelines Commission, GA 9146,  
 Confirmed. . . . . 30, 501, 1188

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Technical amendments to land development statutes: SHB 1495, SB 5385,  
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### LAND USE PLANNING

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Forested areas, increased planning and maintenance requirements to reduce  
 fire risk: SB 5093

High capacity transportation systems, regional transportation planning and  
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- Highway access management program coordinating local land use planning with development of state highway system: \*2SHB 1671, CH 202 (1991)
- Local improvement district assessment based on use not permitted by land use plan authorizes use of the property in the manner assumed by the assessment: SB 5137, SSB 5137
- Moratoria or interim zoning, state standards established to minimize impacts and avoid litigation: SB 5727, SSB 5727
- School siting decisions, authority for state board of education to review denial of permit to build on proposed site: SB 5364
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- Activities that endanger premises, neighboring premises, or persons, tenant's duty not to engage in: SSB 5986
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- Cable television systems, tenant's right of access in multi-unit housing assured, procedures relating to installation and compensation of landlord: SB 5870
- Direct landlord pay task force created to study whether housing for public assistance recipients would increase were direct pay available: SHB 2152
- Gang activities which endanger premises, neighboring premises or persons, tenant's duty to not to engage in: SB 5986
- Landlord and tenant cable television act: SB 5870
- Landlord-tenant act, state-wide application, state preemption of regulatory authority: SB 5559, SSB 5559
- Mobile home parks, eviction of tenants, recovery of rental and storage costs by landlord: SB 5188, SSB 5188
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- Pet deposits, deposit not to exceed initial one hundred dollars and monthly payments of thirty dollars until deposit paid: SB 5886
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- Property, less drayage and storage costs, to be returned by landlord to tenant in default upon written request: \*SHB 1326, CH 220 (1991)
- Rental property, conversion of occupied property to condominium prohibited: SB 5648
- Renter's insurance, credit history not to be used in determining eligibility or rates for renter's insurance: SB 5734
- Smoke detectors, landlord and tenant duties in regard to: \*HB 1096, CH 154 (1991)

- Tenant duties, tenant not to engage in any activities that endanger premises, neighboring premises, or persons: SSB 5986  
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**LASNIK, ROBERT**

Member, Sentencing Guidelines Commission, GA 9160,

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Crime Stoppers assistance office created in attorney general's office: SB 5031, SSB 5031

Criminal profiteering and drug asset forfeiture laws, attorney general to assist local governments and state agencies to utilize: \*2SSB 5882, CH 345 (1991)

Drug asset forfeiture and criminal profiteering laws, attorney general to assist local governments and state agencies to utilize: \*2SSB 5882, CH 345 (1991)

Drug asset forfeiture, identification of assets that may be forfeited: SB 5882

Interagency criminal justice work group established, membership and duties: SB 5418, \*SSB 5418, CH 351 (1991)

Juvenile serious habitual offender program established, duties: SB 5739, SSB 5739

Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857

Narcotics and criminal profiteering unit to be established in attorney general's office, duties of unit: SSB 5882

Pen registers, use authorized, conditions: SB 5126, SSB 5126

Radio dispatch personnel included in definition of "uniformed personnel" for collective bargaining: SHB 1959

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Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SB 5768, SSB 5768

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### **LEBEDEV, COSMONAUT VALENTINE**

Member, Soviet Space Exhibit, Science Center, Introduced and  
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Elections, primary eliminated when no more than one person is nominated from each party: SB 5348

Extraordinary session, appropriation to governor's office for operations reduced: SB 5228, SSB 5228

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Indian gaming compacts, joint legislative committee created to review proposed compacts: SB 5860

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- Legislative transportation committee, revised membership and organization committee: SB 5209
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- Liquor control board not to make rules regarding liquor advertising without specific legislative direction: SB 5467
- Meetings, to be open and public: SB 5089
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- Northwest low-level waste compact, Washington representative may not grant access to nonparty state without legislative approval: SB 5461
- Nutritional needs, study by house human services committee: SB 5568, SSB 5568, \*2SSB 5568, CH 366 (1991)
- Oral political history program to be conducted by secretary of state with assistance of oral history advisory committee: \*HB 2141, CH 237 (1991)
- Pension options, joint committee on pension policy to continue review of available options: HCR 4422
- Per diem reduced during extraordinary session: SB 5228
- Personal services contracts between state agencies and legislators, approval procedures: SHB 1133
- Personal services contracts, review and performance audit, legislative evaluation and accountability program committee to perform: SHB 1133
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- Political gifts and public office funds, reporting requirements: \*SSB 5149, CH 18 E1 (1991)
- Privacy and informational technology, joint select committee on, creation, membership, and duties: HB 1774
- Public funds and office, restrictions on use for political purposes: SB 5864, SSB 5864
- Redistricting commission to include at least two members from eastern Washington: SB 5701
- Salary schedule for members: SB 6001
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- Senate confirmation procedures, temporary approval of appointments not made during regular session: SB 5132
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- Sessions, regular sessions to commence annually on the second Monday in February: SB 5464
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- Superior court jurisdiction, authorizing legislature to determine scope of jurisdiction in equity cases: SHJR 4221
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- Water quality, joint select committee to oversee and review study of impacts of chlorinated organic compound emissions on environment: SSB 5724
- Water rates, joint select committee to study procedures for setting rates: SCR 8411
- Water resource policy, extension of joint select committee on, revised duties: \*HB 2021, CH 273 (1991), SB 5716, SSB 5716
- Wildlife department, committee created to study: SCR 8409

#### **LEVIN, ROBERT A.**

Member, Small Business Export Financial Assistance Center Board of Directors, GA 9092, Confirmed . . . . . 2835, 3311

#### **LIBRARIES**

- Educational resources and research, state library commission to assist teachers to acquire in timely manner: SSB 5234, 2SSB 5234
- Learn-in-libraries program, grants for year-around programs for children, use of older adult and community volunteer resources encouraged: \*SB 5528, CH 91 (1991)
- Property tax levies for library improvements authorized by voter approval prior to 1988 may be levied as authorized: \*SB 5988, CH 17 E1 (1991)
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- Personalized license plates, additional ten dollar fee, revenues to go to state wildlife fund: \*HB 2235, CH 7 E1 (1991)
- Personalized license plates, fees increased: SHB 1250
- Vehicle dealer plates, number to be issued and use of plates, revised requirements: \*HB 1878, CH 140 (1991)



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- Agents and subagents, appointment of, disclosure of costs and revenues, standard contracts: SB 5760
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- Concealed weapons permit, revocation upon issuance of an order to forfeit a firearm: SHB 1016
- Cosmetologists, barbers, manicurists, estheticians, and salons/shops, licensing requirements: \*SHB 1136, CH 324 (1991)
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- Driving privileges, rescision of revocation, circumstances requiring: \*SHB 1704, CH 339 (1991)
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- Franchise investment protection, revised provisions, duties of director: SB 5256, \*SSB 5256, CH 226 (1991)
- Implied consent violation, rescision of revocation of driving privileges for, circumstances requiring: \*SHB 1704, CH 339 (1991)
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- Land development, public offering statement of developer, preparation and delivery to prospective purchaser, duties: SHB 1495, SB 5385, SSB 5385
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- Real estate brokers and salespersons, continuing education requirements, completion period changed from two years to four: SB 5134
- Securities firms, registration actions against registrant or person occupying similar status, range of sanctions increased: SB 5844
- Securities firms, supervision of salespersons and employees, registration action and fines for failure to "reasonably supervise": SB 5844
- Security interest in, central filing system: SHB 2086
- Subagents, appointment by county auditors, service fee amounts set: \*SHB 1704, CH 339 (1991)
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- Towing and storage charges, drivers' license not issued to person owing, administrative costs paid by tow truck operators: SHB 1324
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- Vehicle licensing agents and subagents, director to conduct review of costs, revenues, and benefits of: \*SHB 1704, CH 339 (1991)
- Vessel registrations, confidential, department authorized to issue to local, state, and federal law enforcement agencies: \*SHB 1704, CH 339 (1991)
- Vessels, transfer of ownership, notification of department, revised requirements: \*SHB 1704, CH 339 (1991)

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- Aquaculture products, included in definition of "agricultural product" for processor lien purposes: SSB 5098
- Construction liens for improvements on single-family home, limits on sum of liens and enforcement against property affected: SHB 1241
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- Crop liens for handlers, revised provisions and procedures: SB 5628, \*SSB 5628, CH 286 (1991), SB 5841, SSB 5841
- Dairy products, processor liens, notice requirements: \*SHB 1142, CH 174 (1991)
- Delinquent service charges of storm water control facilities and city-owned sewer systems, alternative lien procedure authorized: \*HB 1607, CH 36 (1991)
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- Milk and milk products, processor liens, extension to producers of: SB 5007, SB 5098, SSB 5098
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- Processor liens, dairy products, notice requirements: \*SHB 1142, CH 174 (1991)
- Processor liens, extension to producers of milk and milk products: SB 5007, SB 5098, SSB 5098
- Processor liens, notice required before obligation to pay producer attaches: SSB 5098
- Sewer district service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451
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- Protection to be provided lieutenant governor by state patrol: \*HB 1057, CH 63 (1991), SB 5050

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- Childhood sexual abuse, clarification of the application of the statute of limitations to cases involving: \*SHB 2058, CH 212 (1991), SB 5811
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- Elections, challenges to elections concerning bonds or levies must commence within thirty days of election: SB 5502
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#### **LIQUOR CONTROL BOARD**

- Jack Rabourn, Member, GA 9164, Confirmed . . . . . 438, 1225, 1392
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- Director of liquor control agency, office created, powers and duties: SHB 1036
- Director of, office created, powers and duties: SB 5325

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Rulemaking, not to make rules regarding liquor advertising without specific legislative direction: SB 5467

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Litter assessment, additional assessment levied: SB 5591

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Penalty for littering, minimum fine increased to one thousand dollars for each offense: SB 5934

### **LITTLE, JOHN C.**

Member, Human Rights Commission, GA 9093, Confirmed . . . 163, 646

### **LITTLE MISS TULIPS**

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Brands, unlawful possession of branded livestock, revised definitions and penalties: \*SHB 1958, CH 110 (1991)

Flood sanctuary areas for livestock to be included in local government flood plain management regulations: \*SSB 5411, CH 322 (1991)

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Markets, net worth requirement established: \*SB 5036, CH 17 (1991)

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### **LOANS**

Consumer loans, higher interest rates authorized for borrowers who represent a higher than average credit risk, licensing and practice requirements: \*SHB 1743, CH 208 (1991)

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### **LOCAL GOVERNMENT**

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Alteration of local governments through citizen review, process established: HB 1017

- Citizens' review of local government and development of proposals to alter governments, constitutional amendment to authorize: HJR 4202
- Citizens' review of local government and development of proposals to alter governments, process established: HB 1017
- Collection agencies, assignment of public debts for collection: SB 5052, SSB 5052
- Criminal justice plan, required to be filed as a condition of receiving state funds: SB 5304
- Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
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- Health and welfare advisory board created, membership and duties: \*SHB 1907, CH 30 E1 (1991)
- Local government self-insurance advisory board created, membership and duties: \*SHB 1907, CH 30 E1 (1991)
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Property and liability advisory board created, membership and duties: \*SHB 1907, CH 30 E1 (1991)
- Property tax, interest and penalties may be paid in monthly installments to: SB 5078
- Protected rivers, local government management plan, requirements: SHB 1836
- Regional planning commission, treasurer or auditor may be other than county treasurer or county auditor: SB 5908
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Dr. Richard T. Graham, Reappointed Trustee, GA 9015, Confirmed. . . . . 24, 231, 289

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**LUCAS, PAM**

Member, Eastern State Hospital Advisory Board, GA 9094, Confirmed. . . . . 191, 943

**LUDE, MIKE**

Former U of Washington Athletic Director, Introduced, SR-1991-86 . . . . . 1938

President Presented Distinguished Citizen Certificate. . . . . 1938

**LUDWIG, JANICE**

Reappointed Trustee, Columbia Basin Community College District No. 19, GA 9020 . . . . . 24

**LYDIG, DEAN**

Member, Wildlife Commission, GA 9021, Confirmed . . . 20, 363, 602

**MADSEN, SENATOR KEN**

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**MALONE, CAPTAIN JEAN T. MALONE**

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- Hazardous substance transportation issues, office of marine safety and department of ecology to study: \*SHB 1027, CH 200 (1991)
- Marine oversight board created, membership and duties: \*SHB 1027, CH 200 (1991)
- Office of marine safety created, powers, functions and duties transferred from department of ecology: \*SHB 1027, CH 200 (1991)
- Regional marine safety committees, membership and duties: \*SHB 1027, CH 200 (1991)
- Tow cables, office of marine safety to study existing standards and adopt new standards if needed: \*SHB 1027, CH 200 (1991)
- Tow equipment, regional marine safety committees to study federal requirements for barges carrying oil in bulk: \*SHB 1027, CH 200 (1991)

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- Creation, organization, powers, duties, and functions regarding the state ferry system: SB 5945
- Marine transportation, department to study all facets of marine transportation: SB 5945

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**MASON COUNTY**

Superior court judges, one position added: \*SHB 1127, CH 299 (1991), SB 5285, SB 5338, SSB 5338

**MASON, DONNA M.**

Member, Interagency Committee for Outdoor Recreation, GA 9174 . . . . . 1277

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**McCANN, JOSEPH E. "EDDIE"**

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**McCOMB, LEONARD A.**

Appointed Director, Office of Financial Management, GA 9096,  
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**McCREARY, DUSTIN C.**

Member, Public Employment Relations Commission, GA 9155,  
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**McDONALD, SENATOR DAN**

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**McGEE, ANNETTE S.**

Member, Pollution Control/Shorelines Hearings Board, GA 9022,  
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**McLEAN, JUDGE B. J.**

Reappointed Member, Clemency and Pardons Board, GA 9023 . . . . . 29

**McMILLAN, PRICILLA DEE**

Reappointed Trustee, Spokane Community College District No. 17,  
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**McMULLEN, SENATOR PATRICK R.**

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**McNAMARA, SISTER ANN**

Administrator, St. Joseph's Hospital, Introduced, SR 1991-8697. . . 3904

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Disproportionate share hospital adjustments, department of social and health services to consider components: \*HB 2237, CH 9 E1 (1991)

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**MEDICAL ASSISTANCE**

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Disproportionate share hospital adjustments, department of social and health services to consider components: \*HB 2237, CH 9 E1 (1991)

Eligibility and limitations: \*HB 2237, CH 9 E1 (1991)

Hospice benefits extended: \*HB 1536, CH 119 (1991)

Hospice program extended: SB 5761

Indigents, limited casualty program maximum deductible raised: SB 5752

Limited casualty program, eligibility for and limitations on services provided to medically needy and indigent: \*HB 2237, CH 9 E1 (1991)

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Medicaid recipients, nutritional counseling pilot project in King, Pierce, and Spokane counties: SB 5496

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Rural hospitals providing essential health care services to medical assistance clients, payment: SB 5597

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- Alcohol abuse, board authority to obtain driving record to assist in identifying impairment due to: \*SHB 2071, CH 215 (1991), SB 5658
- Governor authorized to appoint the members of the board: \*SHB 2071, CH 215 (1991)
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- Inactive license status, rulemaking authority and administrative duties: SB 5577, \*SSB 5577, CH 44 (1991)
- Intermittent or provisional practice by physicians sixty-five years old or older, reduced license fee to be established: \*SHB 2048, CH 229 (1991)
- Intermittent or provisional practice by physicians' assistants sixty-five years old or older, reduced license fee to be established: \*SHB 2048, CH 229 (1991)
- Quorum requirements for transacting business by panel of the board: SB 5577, \*SSB 5577, CH 44 (1991)

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- Over-the-counter medications, manufacturer labeling responsibilities: \*SHB 1008, CH 68 (1991)
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- Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028

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- Consul General of Germany and Dean of Seattle Consular Corp  
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- Children, services under public assistance programs and regional support networks increased: SHB 1609
- Community mental health practitioners, to achieve salary parity with state workers by 1995: SB 5654
- Compensation for mental health direct care staff, providers to pay adequate salaries: SB 5668, SSB 5668

- Employment services, authority to provide services as part of mental health programs: \*SHB 1915, CH 29 (1991), SB 5671, SSB 5671
- Free standing evaluation and treatment facilities, regional support networks to construct and operate: SB 5667, SSB 5667, \*2SSB 5667, CH 262 (1991)
- Housing trust fund priorities for projects supporting housing needs of mentally ill persons submitted by regional support networks: SB 5669, \*SSB 5669, CH 295 (1991)
- Psychiatric facilities, civil and criminal liability protection if duties performed in good faith: SB 5531
- Regional support networks, children's mental health delivery systems, development and implementation of, duties: \*SHB 1608, CH 326 (1991), SHB 1609
- Regional support networks, community mental health practitioners to achieve salary parity with state workers by 1995: SB 5654
- Regional support networks, early identification and treatment of severely emotionally disturbed children: SB 5670, \*SSB 5670, CH 306 (1991)
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- Regional support networks, services to children by networks increased: SHB 1609
- Regional support networks, to assure access to sufficient local evaluation and treatment facilities: SB 5667, SSB 5667, \*2SSB 5667, CH 262 (1991)
- War-related stress disorders, educational, informational, and referral services to be provided by department of veterans affairs: \*SHB 2095, CH 55 (1991)

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- Assault on staff at state hospitals for the mentally ill, class C felony: SB 5199, SSB 5199
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- Developmentally disabled persons with mental illness, pilot projects authorized to provide alternatives to hospitalization: SB 5856
- Electroconvulsant therapy, restrictions on use with involuntarily committed persons: SB 5672, \*SSB 5672, CH 105 (1991)
- Employment services, authority to provide services as part of mental health programs: \*SHB 1915, CH 29 (1991), SB 5671, SSB 5671
- Estates, liability of estate for costs of care at residential habilitation centers, revised provisions: SSB 5506

- Housing trust fund priorities for projects supporting housing needs of mentally ill persons submitted by regional support networks: SB 5669, \*SSB 5669, CH 295 (1991)
- Institutional trust lands in Thurston County, management plan to allow its use for housing mentally ill persons: SB 5331
- Minors with mental disorders, involuntary treatment of, procedures: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
- Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: SB 5332, \*SSB 5332, CH 204 (1991)
- Regional support networks, housing trust fund priorities for projects supporting housing needs of mentally ill persons submitted by: SB 5669, \*SSB 5669, CH 295 (1991)

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### MENTOR, LOUIS

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### MESERVE, CHRISTINA

Trustee, The Evergreen State College, GA 9024,  
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### METCALF, SENATOR JACK

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### **METROPOLITAN MUNICIPAL COUNCILS**

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Military personnel and veterans' affairs, joint select committee on created: HCR 4416

Militia, technical corrections to provisions relating to the: HB 1706, \*SB 5586, CH 43 (1991)

Motor vehicle license fees and excise taxes, active duty military exempted from obligation to pay: SB 5622

Operation Desert Shield service, death benefits allowed for state employees' retirement systems members: SHB 1269, SB 5224

Persian Gulf theater, voluntary compensation for service of Washington residents in the Persian Gulf authorized, alternatives and conditions: SB 5843, SSB 5843

Persian gulf, refund of or credit toward new enrollment for students deployed because of the Gulf war: \*SHB 2027, CH 164 (1991)

Property tax, interest and penalties prohibited on delinquent 1991 taxes on personal residences of military personnel serving in Persian Gulf: SB 5928, \*SSB 5928, CH 52 (1991)

Public employees granted leave to report for active duty when called on or after August 2, 1990: \*HB 1364, CH 25 (1991)

Purple heart recipient recognition day, August 7, established, not a legal holiday: HB 2221

State employees granted military leave to report for active duty in Persian Gulf: SB 5521

State guard, name changed to Washington state defense force: HB 1707,  
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**MILLER, ARLENE**

Reappointed Trustee, Skagit Valley Community College District No.  
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**MILLER, KAREN**

Reappointed Trustee, Edmonds Community College District No. 23,  
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**MITCHELL, JOHN**

Reappointed Trustee, Olympic Community College District No. 3, GA  
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- Insurance, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
- Insurance, landlord verification of repair or removal of damaged or destroyed home required for payment: SB 5187
- Land use requirements, application to certain cities and counties: SB 5186
- License to operate required, procedures: SB 5911
- Low-income housing, classification and valuation of property devoted primarily to: HB 1225
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- Owner to pay five dollar fee for each occupied lot, exceptions: \*SHB 1440, CH 327 (1991), SHB 1841
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- Insurance, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
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- Manufactured housing task force to study structure government should use to regulate manufactured housing: \*SHB 1440, CH 327 (1991)
- Mobile home code, violation complaint procedures: SB 5911
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Permit applications, carriers to submit copies of contracts with: HB 1273, \*SB 5221, CH 41 (1991)

Resident brokers and forwarders to be bonded and registered: \*SHB 2005, CH 146 (1991), SB 5800

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Abandoned vehicles, authority for tow truck operator to declare stored vehicle abandoned after notice to owner: SB 5276, \*SSB 5276, CH 20 (1991)

Automobile repair, customers' rights notice to be printed on bill, form: SB 5509

Buses, length restrictions: \*HB 1118, CH 113 (1991)

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Combinations not exceeding seventy-five feet where three vehicles are towed by fourth in triple saddle mount position allowed: \*HB 1991, CH 143 (1991)

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Commuter trip reduction, local government responsibilities: \*SHB 1028, CH 199 (1991), SB 5326

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Converter gears and tow dollies, exemption from licensing requirements: \*HB 1995, CH 163 (1991), SB 5815

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Dealers, license plates, number to be issued and use of plates, revised requirements: \*HB 1878, CH 140 (1991)

Dealers, licensing provisions revised: SB 5615

Dealers, licensing requirements, revised provisions: SHB 1703

Disabled persons, free parking in designated areas allowed: SB 5995

- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
- Drivers' education funding: SB 6009
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- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, SB 5266, \*SSB 5266, CH 293 (1991)
- Emission control systems, adoption of California vehicle emission standards: \*SHB 1028, CH 199 (1991)
- Emission control systems, study of benefits of adoption of California vehicle emission standards: \*SHB 1028, CH 199 (1991)
- Emission testing and inspections: \*SHB 1028, CH 199 (1991), SB 5326
- Financial responsibility, insurance identification card as proof of: HB 1116
- First-degree negligent driving, defined and penalties established: SHB 1183
- Fuel limitations by company to be imposed uniformly on stations and dealers: SHB 1924
- Fuel pricing by company, discriminatory wholesale pricing prohibited, civil penalties: SHB 1924
- Fuel tax, assessment and collection of, revised provisions: \*SHB 1704, CH 339 (1991)
- Fuels marketing, joint select committee on motor vehicles fuels marketing, creation, membership, and duties: SHB 1924
- Gasoline price and supply fairness: SHB 1924
- High occupancy vehicles, violations, presumption that registered owner was operator when violation occurred: HB 1128
- Implied consent law, reversal of revocation when cause was nonalcohol or nondrug-related medical condition, expungement: SB 5399
- Impounded vehicles, notice to owner, requirements: SB 5276, \*SSB 5276, CH 20 (1991)
- Inattentive driving, defined and made a traffic infraction: SHB 1183, SB 5439
- Insurance, Washington automobile insurance corporation created, powers and duties: SB 5159
- Insurance, credit history may not be used in determining eligibility or rates for insurance: SB 5723
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- Insurance, liability coverage for state employees who drive personal car for official duties, partial payment by state: SB 5296
- Insurance, personal injury protection, requirements: SHB 1294
- Insurance, premiums, reduction for completing accident prevention course, period of reduction extended to three years: SB 5006
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- Insurance, proof of financial responsibility violations, penalties: HB 1391
- Insurance, universal auto insurance program: SB 5159
- Interstate highways, length restrictions inapplicable to "specialized equipment" for access to terminals and facilities: \*HB 1991, CH 143 (1991)
- Intoxication, changing blood and breath standard for persons under twenty-one: HB 1151, SB 5069
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- Junk vehicle, definition modified: SHB 1806
- Junk vehicles, disposal of abandoned vehicles simplified: \*SB 5049, CH 292 (1991)
- Length restrictions inapplicable to "specialized equipment" access to terminals and facilities on interstate highways: \*HB 1991, CH 143 (1991)
- Liability insurance coverage requirements, penalties for violation: SB 5790, \*SSB 5790, CH 25 E1 (1991)
- Liability insurance, provision of proof of financial responsibility requirements, penalties for violations: \*SSB 5790, CH 25 E1 (1991)
- License fees, active duty military to pay only a ten dollar annual fee: SB 5622
- License fees, county authority to impose vehicle license fees repealed: SB 5663
- License fees, disabled state employees exempted from: SB 5076
- License plates, veterans emblem program to include active military personnel: \*SHB 1704, CH 339 (1991)
- Licenses and permits, fees collected by county auditor subagents adjusted: SB 5910
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- Licensing department subagents, appointment by county auditor, service fee amounts set: \*SHB 1704, CH 339 (1991)
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- Measure of damages established: SHB 1573
- Military, active duty military to pay only a ten dollar annual license fee: SB 5622
- Model traffic ordinance, update provisions: \*HB 1431, CH 118 (1991)
- Motor fuel testing and enforcement program, revised provisions: SB 5627

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- Natural gas, development of refueling stations for users of compressed natural gas as motor vehicle fuel: \*SHB 1028, CH 199 (1991)
- Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
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- Proportional registration, nonpower vehicles, state may not retain more than its pro rata percentage for in-state miles traveled: SB 5769
- Proportional registration, revised provisions: \*SHB 1704, CH 339 (1991)
- Registration and title fees, reimbursement of county for operational losses in collecting fees: SB 5758
- Rental of fleet vehicles, additional sales tax imposed: SB 5611
- Rental vehicles, legislative transportation committee to conduct study to analyze tax imposed on car rental vehicles: \*SSB 5611, CH 244 (1991)
- Right hand lane use by motor vehicles with gross weight of ten thousand pounds or more required, exceptions: SSB 5237
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- State employees, disabled, exempted from automobile license fees: SB 5076
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**MUKTARIAN, ELIZABETH**

Member, Western State Hospital Advisory Board, GA 9099,  
 Confirmed. . . . . 192, 998

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**MURPHY, JOHN**

Member, Eastern State Hospital Advisory Board, GA 9100,  
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**MURRAY, SENATOR PATTY**

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Natural resources stewardship account created: SB 5972

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- Community and urban forestry program, departmental duties: SHB 1111, \*SB 5264, CH 179 (1991)
- Cooperative resource management programs, grant program established: SB 5616
- Export of timber, department to report annually to legislature on: SB 5372
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- Geothermal resources, department to develop guidelines and procedures for leasing state land for development of geothermal resources: \*HB 1277, CH 76 (1991)
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- Interest rates, provision of a department-wide policy to determine: \*SB 5722, CH 64 (1991)
- Leases for onshore and offshore facilities, required provisions: \*SHB 1027, CH 200 (1991)
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- Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: SB 5332, \*SSB 5332, CH 204 (1991)
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- Surface mining, mandatory waste removal plan for each site, to be developed with department of ecology: SB 5513
- Sustainable forestry act adopted: SB 5616
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**NELSON, AVERY**

Member, Eastern State Hospital Advisory Board, GA 9101,  
Confirmed. . . . . 192, 1090

**NELSON, CRAIG A.**

Reappointed Trustee, Wenatchee Valley Community College District  
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**NELSON, SHARON**

Reappointed Chair, Utilities and Transportation Commission, GA  
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- Nurse practitioners, advanced registered nurse practitioners, scope of practice and licensing requirements: SB 5635, SSB 5635
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- Practical nurses, licensing requirements revised for licensed practical nurses: SB 5204, \*SSB 5204, CH 84 (1991)
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- Cost index lid, prospective rates for nursing services cost center for fiscal years 1992 and 1993 not subject to: SB 5588
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**NUTTER, DR. GLEN L.**

- Retired Superintendent, Yelm School District, Introduced - SR 1991-8696. . . . . 3871

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**OCHOA, GREGORY J.**

- Member, Eastern State Hospital Advisory Board, GA 9182. . . . . 3621

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- Advisory committee created to advise on administration of chapter regulating practice of ocularists: SB 5632, \*SSB 5632, CH 180 (1991)
- Licensing and practice requirements, revised provisions: SB 5632, \*SSB 5632, CH 180 (1991)

**OFFICE OF FINANCIAL MANAGEMENT**

- Leonard A. McComb, Appointed Director, GA 9096, Confirmed. . . . . 1233, 1646

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- Compensation schedule for oil spills, department of ecology rulemaking and enforcement authority, preassessment screening: \*SHB 1027, CH 200 (1991)
- Compressed natural gas as motor vehicle fuel, development of refueling stations: \*SHB 1028, CH 199 (1991)

\* - Passed Leg.; E1 - 1st Special Session

- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
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- Facility oil spill contingency planning, requirements for onshore and offshore facilities: \*SHB 1027, CH 200 (1991)
- Facility oil spill prevention planning, requirements for onshore and offshore facilities: \*SHB 1027, CH 200 (1991)
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- Gasoline consumers bill of rights act: SB 5313
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- Marine oversight board created, membership and duties: \*SHB 1027, CH 200 (1991)
- Marine safety and spill prevention office established in department of ecology: SB 5183
- Marine safety, office of marine safety created, powers, functions and duties transferred from department of ecology: \*SHB 1027, CH 200 (1991)
- Maritime commission, revised provisions: \*SHB 1027, CH 200 (1991)
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- Moratorium on leases for exploration, development, or production extended to the year 2000: SB 5446
- Motor fuel limitations by company to be imposed uniformly on stations and dealers: SHB 1924
- Motor fuel testing and enforcement program, revised provisions: SB 5627
- Motor vehicle fuels marketing, joint select committee on, creation, membership, and duties: SHB 1924
- Oil and hazardous substance spill advisory committee established: SB 5183
- Oil and hazardous substance spill prevention and contingency planning, authority and responsibility of director of ecology: \*SHB 1027, CH 200 (1991)
- Oil and hazardous substance spill prevention and response requirements: \*SHB 1027, CH 200 (1991), SB 5183
- Oil and hazardous substance spill prevention tax levied, uses of revenue: SB 5183
- Oil and hazardous substances incident response training and education program established: \*SHB 1027, CH 200 (1991)
- Oil company pricing practices, regulation of: SB 5313
- Oil heat advisory committee created, membership and duties: SB 5677, SSB 5677
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- Oil spill prevention and response levied, uses of revenue: \*SHB 1027, CH 200 (1991)
- Oil spill prevention and response, Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428
- Oil spill response tax and oil spill administration tax imposed on off-loading of petroleum products: \*SHB 1027, CH 200 (1991)
- Oil spill response, respondents not liable for removal costs or damages, limitations and exceptions: SSB 5876
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- Oil transmission lines to conform to local zoning and environmental codes: SB 5676, SSB 5676
- Petroleum marketing practices, regulation of unfair practices: SB 5547
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- Small spill prevention education program established: \*SHB 1027, CH 200 (1991)
- Spills, facility and vessel prevention and contingency plans, requirements: \*SHB 1027, CH 200 (1991), SB 5183
- Spills, financial responsibility requirements for vessels transporting: \*SHB 1027, CH 200 (1991), SB 5183
- Spills, small spill prevention education program: \*SHB 1027, CH 200 (1991), SB 5183
- Tow equipment, regional marine safety committees to study federal requirements for barges carrying oil in bulk: \*SHB 1027, CH 200 (1991)
- Underground storage tank community assistance program committee established, membership and duties: SB 5806, \*SSB 5806, CH 4 (1991)
- Underground storage tanks, cleanup financial assistance to owners and operators authorized conditions: SHB 2114, SB 5806, \*SSB 5806, CH 4 (1991)
- Used oil, transporter and processor requirements: SHB 1459
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### **OKAMOTO, DENNIS I.**

Appointed Director, Department of Revenue,

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**OKE, SENATOR BOB**

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- Appointed Environment and Natural Resources, Vice Chair; Education and Transportation Committees. . . . . 49
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**OLLIS, TERRY**

- Reappointed Trustee, Everett Community College District No. 5, GA 9029, Confirmed. . . . . 26, 388, 621

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- Natural resource lands and critical areas, designation of, requirements: \*SHB 1025, CH 32 E1 (1991)
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**OPTOMETRY**

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**ORMSBY, MICHAEL C.**

Reappointed Trustee, Eastern Washington University, GA 9103, Confirmed. . . . . 67, 213

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Licensing and practice requirements, revised provisions: \*SHB 1861, CH 160 (1991), SB 5631

Osteopathic medicine and surgery, state board, revised provisions: \*SHB 1861, CH 160 (1991), SB 5631

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Clear Creek dam rebuilding project, funding for: SB 5160

Interagency committee for outdoor recreation, Martha lake park, provision of matching funds to purchase, duties: SB 5563

License or permit is not fee for purposes of limiting liability of owner permitting recreational use of land: HB 1369, \*SB 5630, CH 50 (1991)

Preservation of open spaces and purchase of recreational and wildlife lands, reservation of funds in bond debt service retirement account for: SB 5952

Public lands commissioner given authority to appoint parks and recreation commission: SB 5971

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William Fearn, Member, GA 9073, Confirmed . . . . . 117, 448

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- Family court and family court services expanded, revised provisions: SHB 2155
- Income withholding actions or alternative arrangements for child support, revised provisions: SHB 2153
- Loss of services and support of child, parental action for, revised provisions: SSB 5506
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- Stepparent obligation to support stepchildren ended: SB 5866
- Termination of parental rights, conditions warranting permanency plan that seeks termination: SB 5665, SSB 5665
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- Disabled persons, fines imposed for improper parking in spaces for disabled to be used by local jurisdiction for law enforcement: SHB 1634
- Disabled persons, fines increased for improper parking in spaces for the disabled: SHB 1634
- Disabled persons, free parking in designated areas allowed: SB 5995
- Special parking privileges, revised provisions: SHB 1703
- State agencies and facilities, development and implementation of comprehensive transportation and parking program: SHB 1564, SB 5471

- State agencies and facilities, parking and transportation management advisory committee, duties: SHB 1564  
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 Anne Cox, Reappointed Member, GA 9158,  
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#### **PATTERSON, SENATOR E.G. "PAT"**

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#### **PEDERSON, E. DAN**

Member, Eastern State Hospital Advisory Board, GA 9105,  
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**PELKEY, JEANNE A.**

Reappointed Trustee, State School for the Blind, GA 9030,  
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**PELZ, SENATOR DWIGHT**

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**PEPPER, LOUIS H.**

Reappointed Member, Board of Regents, Washington State University,  
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 "Veteran" defined to include "Desert Storm" and "Desert Shield" veterans:  
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 Middle East veterans affairs office, advisory council, created: SB 5696  
 Operation Desert Shield service, death benefits allowed for state  
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\* - Passed Leg.; E1 - 1st Special Session

- Property tax, interest and penalties prohibited on delinquent 1991 taxes on personal residences of military personnel serving in the Persian Gulf: SB 5928, \*SSB 5928, CH 52 (1991)
- Public employees granted leave to report for active duty when called on or after August 2, 1990: \*HB 1364, CH 25 (1991)
- State employees granted military leave to report for active duty: SB 5521
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Management service, Washington management service created, duties and  
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#### **PESTICIDES**

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Center for sustaining agriculture and natural resources established,  
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- Plant pests, authority of governor to order aerial application of pesticides to prevent imminent infestation by: \*SHB 1956, CH 257 (1991)
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- Registration and reregistration, department of agriculture to develop assistance and information program: \*SHB 1426, CH 341 (1991)
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#### **PETERSEN, ROBERT C.**

Member, Parks and Recreation Commission, GA 9178 . . . . . 3620

#### **PHARMACIES AND PHARMACISTS**

\* - Passed Leg.; E1 - 1st Special Session



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- Dispensing of prescription product is service not creating any implied warranty under the uniform commercial code: SHB 1556, SB 5466, \*SSB 5466, CH 189 (1991)
- Liability of pharmacist for claims based on strict liability or implied warranties of uniform commercial code limited: \*SSB 5466, CH 189 (1991)
- Liability of pharmacist in dispensing prescription products limited to willful or negligent acts: SB 5466, \*SSB 5466, CH 189 (1991)
- Liability of pharmacist in dispensing prescriptions products, immunities and recordkeeping requirements: SHB 1556
- Licensing fees, revised provisions: \*SHB 2048, CH 229 (1991)
- Nonprescription drugs in capsule form, secure storage required, inspection by pharmacist upon request: SB 5946
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- Pharmacy assistants, lapsed or nonrenewed certificate, reissuance fee and penalty: \*SHB 2048, CH 229 (1991)
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**PHARMACY, BOARD OF**

- Donald V. Hobbs, Reappointed Member, GA 9149,  
Confirmed. . . . . 32, 254, 1246
- Maureen E. Sandison, Reappointed Member, GA 9148,  
Confirmed. . . . . 32, 253, 1246
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\* - Passed Leg.; E1 - 1st Special Session

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\* - Passed Leg.; E1 - 1st Special Session

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**PIERCE, JOHN B. L.**

Member, Small Business Export Financial Assistance Center Board of  
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**PINE, WILLIAM S.**

Member, Juvenile Disposition Standards Commission, GA 9108,  
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**PINKETT, CAROLYN**

Member, Juvenile Disposition Standards Commission, GA 9169,  
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Oil and hazardous substance spill prevention and response requirements: \*SHB 1027, CH 200 (1991), SB 5183

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Indebtedness, limit on amount district may contract for: \*SHB 1341, CH 314 (1991)

Nonvoter-approved tax, districts with population of more than one hundred thousand, study and public hearing required before levy imposed: SHB 1546

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\* - Passed Leg.; E1 - 1st Special Session

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Alcohol and drug abuse, secondary prevention strategies to increase use of services by women before, during, and after pregnancy: SB 5774

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- Chief of police and sheriff to be notified of escape of serious drug offender: SB 5128, \*SSB 5128, CH 147 (1991)
- Convict labor authorized for work on state correctional facilities: SJR 8224
- Forest fires, interstate forest fire suppression compact, authority to enter into: \*SHB 1208, CH 131 (1991)
- Incentive program to allow inmates to earn higher wages based on performance, production, and behavior and use wages to purchase amenities: \*SHB 1777, CH 130 (1991)
- Incentive program, pilot program to encourage inmates to develop educational and job skills: \*SHB 1686, CH 256 (1991)
- Intensive rehabilitation program, conditions for participation in: SSB 5623
- Jail labor, reduction in amount of outstanding fines and costs, county to set rate: \*HB 1500, CH 183 (1991)
- Jail labor, reduction in amount of outstanding fines and costs, rate increase: \*HB 1500, CH 183 (1991)
- New construction, general contractor/construction manager method to expedite awarding state contracts, limitation: \*SHB 1777, CH 130 (1991), SB 5529
- Partial confinement, department of corrections authority to substitute for total confinement, conditions: SB 5623
- Prison industries implementation plans, department of corrections to develop site-specific plans, required elements of plans: \*SHB 1686, CH 256 (1991)
- Recidivism, secretary of department of corrections to file annual report with legislature on: SB 5623, SSB 5623, 2SSB 5623
- Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949
- Testimony of inmates, money received for to go into victims compensation account: \*SB 5111, CH 133 (1991)
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Caller, location, or number identification service, privacy act does not apply to commission approved services: \*HB 1489, CH 312 (1991), SB 5397

Child sexual abuse, monitoring of conversations regarding not violation of privacy guarantees: SB 5905

Health care records, information disclosure by provider prohibited, exceptions, penalties: \*HB 1060, CH 5 (1991), \*HB 1071, CH 106 (1991), \*SHB 1828, CH 335 (1991)

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Privacy and informational technology, joint select committee on, creation, membership, and duties: HB 1774

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Funeral expenses deductible from decedent's estate: SHB 1061

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- Assessment for evaluation and supervision services, courts may levy:  
\*SHB 1189, CH 247 (1991)
- Interstate parole and probation hearing procedures act repealed: \*HB 1372,  
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- Juvenile serious habitual offender program established, probation  
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- Supervision services, offender to pay monthly assessment to department  
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- Victim-offender mediation program, referral to be made when request for  
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- Criminal profiteering, asset forfeiture procedures: SB 5881
- Forfeiture of property by criminal profiteers, procedures: SB 5881
- Insurance, credit history may not be used in determining eligibility or rates  
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- Landlord to return property, less drayage and storage costs, to tenant in  
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- Property rights protection act: SB 5122
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- Taking of private property, establishes a process to determine when a  
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- Drug asset forfeiture, identification of assets that may be forfeited: SB  
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- Juvenile serious habitual offender program established, duties: SB 5739,  
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- Salary increases, state to reimburse county for additional costs incurred:  
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Aid to families with dependent children, eligibility of eighteen to twenty year old students: SB 5307, SSB 5307

Automated client eligibility system (ACES), conditions and limitation on expenditures for the system: SB 5659

Children's mental health, services under public assistance programs increased: SHB 1609

Conflicts with federal requirements, state law inoperative to the extent of the conflict: \*SHB 1052, CH 126 (1991), SB 5452, SSB 5452

Direct landlord pay task force created to study whether housing for recipients would increase were direct pay available: SHB 2152

Eligibility for incapacitated persons, limitations: \*SB 5959, CH 10 E1 (1991)

Excess real property, agreements regarding: \*SHB 1052, CH 126 (1991), SB 5452, SSB 5452

Food stamps, child support income exempted by federal law not to be considered in determining need or eligibility: HB 1152, SB 5568, SSB 5568, \*2SSB 5568, CH 366 (1991), SB 5921

Food stamps, expedited issuance within twenty-four hours of application to eligible recipients: SB 5568, SSB 5568, \*2SSB 5568, CH 366 (1991), SB 5921

General assistance, eligibility of incapacitated persons, limitations: \*SB 5959, CH 10 E1 (1991)

General assistance, extension of eligibility for recipients who give up child for adoption: \*SHB 1052, CH 126 (1991), SB 5452, SSB 5452

Incapacitated persons, eligibility limitations: \*SB 5959, CH 10 E1 (1991)

Internship earnings, department of social and health services to seek waiver to allow recipients to retain internship income: HB 1941

Job opportunities and basic skills program, to seek waiver to allow recipients to retain internship income: HB 1941

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Limited casualty program, eligibility for and limitations on services provided to medically needy and indigent: \*HB 2237, CH 9 E1 (1991)

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- Medicaid, hospitalization of recipient, nursing home to hold bed open for at least five days following discharge, reimbursement rate: SHB 1226
- Medicaid, hospitalization of recipient, nursing home to hold bed open for at least three days following discharge, reimbursement rate: SHB 1226
- Medical assistance eligibility, limitations: \*HB 2237, CH 9 E1 (1991)
- Medical care vendors, billing period changed to twelve months: \*HB 1125, CH 103 (1991), SB 5213
- Mental health care included in medical assistance services provided: SB 5316
- Nursing homes to hold bed of hospitalized medicaid recipient open for at least five days following discharge, reimbursement rate: SHB 1226
- Nursing homes to hold bed of hospitalized medicaid recipient open for at least three days following discharge, reimbursement rate: SHB 1226
- Parent request for disclosure of child's address, office of support enforcement to respond: \*SHB 1052, CH 126 (1991)
- Public assistance and employment self-sufficiency, joint task force to develop implementation plan: SCR 8405
- Rural hospitals providing essential health care services to medical assistance clients, payment: SB 5597
- Social and health services financial partnership plan, liability for and recovery of costs for services rendered: SB 5281
- Women, infants, and children supplemental food program, number of eligible participants increased: SB 5568, SSB 5568, \*2SSB 5568, CH 366 (1991), SB 5921

## **PUBLIC CORPORATIONS**

- Washington timber development corporation established to respond to needs of timber-dependent communities: SB 5207

## **PUBLIC DEBTS**

- Collection costs, state and local governments authorized to assess collection costs for amounts paid to collection agencies making collections: SB 5902
- Public debt collections task force created to review existing policies and procedures and to develop model policies and procedures: SB 5902

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- Campaign contributions, special report requirements: \*HB 1312, CH 157 (1991)
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617
- Department of labor and industries, confidentiality of information acquired through research, demonstrations, experiments, and employer-requested services: SB 5212

- Domestic violence, use of address designated by secretary of state to protect victims by restricting disclosure of their addresses: \*SB 5906, CH 23 (1991)
- Gifts to public officials, disclosure requirements: SB 5088
- Health care records, information disclosure by provider prohibited, exceptions, penalties: \*SHB 1828, CH 335 (1991)
- Initiative, referendum, and recall petitions, public disclosure prohibited: SB 5621
- Lobbyists, reporting of gifts to public officials, requirements: \*SSB 5149, CH 18 E1 (1991)
- Mediation, privileged communications and materials, exception: \*SB 5147, CH 321 (1991)
- Medical disciplinary board, authority to obtain driving record to assist in identifying impairment due to alcohol abuse: \*SHB 2071, CH 215 (1991), SB 5658
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Public officials, reporting of political gifts and public office funds, requirements: \*SSB 5149, CH 18 E1 (1991)
- Solid waste disposal facilities, county to give two weeks notice before making final siting decision in open public meeting: SB 5932
- Tax returns and tax information, confidentiality, exceptions: \*SHB 1357, CH 330 (1991)
- Trade information submitted to state employees' benefits board or health care authority may be withheld: \*SHB 1082, CH 79 (1991), SB 5196, SSB 5196
- Work and home addresses, disclosure prevented to protect person's life, physical safety, or property, effective date moved to July 1, 1992: \*SHB 1511, CH 1 (1991)

**PUBLIC DISCLOSURE COMMISSION**

- Irene Heninger, Member,  
GA 9171, Confirmed. . . . . 790, 1727, 2100
- Alma Misako Kimura, Reappointed Member,  
GA 9080, Confirmed. . . . . 163, 646
- Audits and field investigation, to conduct sufficient number to provide statistically valid findings regarding compliance: SB 5864, SSB 5864
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617

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- "Veteran" redefined for purposes of military service credit: SB 5414, SB 5494
- Community corrections officers, early retirement provisions: SB 5415
- Contribution rate for legislators and state officials: SHB 1269, SB 5224

\* - Passed Leg.; E1 - 1st Special Session

- Cost-of-living increases, calculation of target benefit modified: SB 5352  
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 Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649  
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 Part-time employees, computation of service credit: \*SHB 1268, CH 343 (1991), SB 5223  
 Reorganization of statutes governing the system: \*SHB 1270, CH 35 (1991), SB 5222  
 Restoration of withdrawn contributions by members reentering system allowed through June 30, 1992: SB 5933  
 Retirement allowance, calculation of initial allowance: SB 5380, SSB 5380  
 School employees, computation of service credit: \*SHB 1268, CH 343 (1991), SB 5223  
 School employees, retired or disabled, continued participation in insurance plans allowed, premium deduction: SB 5873, \*SSB 5873, CH 254 (1991)  
 Service credit for full- and part-time employees, computation: \*SHB 1268, CH 343 (1991), SB 5223  
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- Mark C. Endresen, Reappointed Member, GA 9069,  
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 Janet L. Gaunt, Reappointed Chair, GA 9014,  
 Confirmed. . . . . 22, 363, 660  
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 Confirmed. . . . . 33, 2836, 3489

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- Sales and use taxes, authority to impose, procedure to obtain voter authorization: \*HB 2057, CH 207 (1991), SB 5731

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- Air pollution control account created: \*SHB 1028, CH 199 (1991), SB 5326
- Bond debt service retirement account created, authorized uses for reserved funds in account: SB 5952
- Budget stabilization account appropriations, conditions: SB 5970
- Building construction account, transfer of funds to: \*SHB 1058, CH 13 E1 (1991)
- Child care facility fund, applications by employee organizations for loans, loan guarantees, or grants: SHB 1808
- Child care facility fund, uses of money in fund clarified and expanded: SB 5583
- Child care facility revolving fund created: SHB 1808
- Child care facility revolving fund, moneys to be used for child care facility grants, loans, and loan guarantees only: \*SSB 5583, CH 248 (1991)
- City hardship assistance account created to assist with increased costs due to jurisdictional transfers made by this act: \*SB 5801, CH 342 (1991)
- Clean Washington account established: SHB 1459
- Community assessment fund created, expenditures authorized to fund grants to local jurisdictions: SB 5890, SB 5901
- Conservation area account, transfer of funds to the natural resources conservation areas stewardship account: SB 5612, \*SSB 5612, CH 352 (1991)
- Consumer protection fund created, allocation and uses of: SB 5313
- Death investigations accounts, authority to disburse funds from: \*HB 1032, CH 176 (1991)
- Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer, spirits, and wines: SB 5920
- Drug asset forfeiture and criminal profiteering account created: SB 5882
- Economic development account created within the public facilities construction loan revolving fund, authorized uses: SB 5602, SSB 5602
- Economic development account for assistance to timber-dependent communities created: \*SHB 1341, CH 314 (1991)
- Education support account created, lottery revenues to be deposited in: SB 5994
- Emergency reserve fund, constitutional amendment to create: SJR 8226
- Energy efficiency construction account created, appropriation uses: SHB 1022
- Energy efficiency construction account created, management by state energy office, requirements: \*SSB 5245, CH 201 (1991)
- Energy efficiency services account created, management by state energy office, requirements: \*SSB 5245, CH 201 (1991)
- Energy efficiency services account, uses: SHB 1022
- Enhanced 911 account created, expenditures authorized: \*SHB 1938, CH 54 (1991)



- Fire service training center bond retirement account reestablished: \*SHB 1058, CH 13 E1 (1991)
- Fire services trust fund created: \*SHB 1852, CH 135 (1991), SB 5541, SSB 5541, SB 5606
- Flood control assistance revolving funds account established: SB 5817
- Freshwater aquatic weeds account created: \*SHB 1389, CH 302 (1991)
- Fund for excellence established: \*HB 1723, CH 98 (1991)
- Funeral directors and embalmers account created: SB 5759, SSB 5759
- Geothermal account, continued additional six years: \*HB 1277, CH 76 (1991)
- Geothermal account, continued additional ten years: \*HB 1277, CH 76 (1991), SB 5423, SSB 5423
- Hanford area economic development account established and investment fund committee created: \*SSB 5756, CH 272 (1991)
- Health professional loan repayment and scholarship program fund created: \*SHB 1960, CH 332 (1991)
- Highway safety fund, all drivers' license fees to be deposited in: SB 5431
- Housing trust fund, housing assistance program loans from revenues in: \*SHB 1624, CH 356 (1991)
- Intrastate rapid rail account created: SB 5546
- Intrastate rapid rail account created in the motor vehicle fund: SB 5890, SB 5901
- Legislative facilities account created: SB 5783
- Lost fishing net recovery fund created: SHB 1012
- Mobile home affairs account, funding from fees and mobile home sales tax: \*SHB 1440, CH 327 (1991)
- Mobile-manufactured housing account created: SB 5911
- Municipal criminal justice assistance account, "criminal justice purposes" defined: \*HB 2214, CH 26 E1 (1991), SB 5989
- Municipal criminal justice assistance account, conditions for distribution of moneys: \*HB 2214, CH 26 E1 (1991)
- Natural resources conservation areas stewardship account, revised provisions: SHB 1204
- Natural resources conservation areas stewardship account, revised provisions, authorized expenditures: SB 5612, \*SSB 5612, CH 352 (1991)
- Natural resources stewardship account created: SB 5972
- Northern Ireland, investment of state funds in corporations adopting the MacBride principles: SHB 1407
- Oil heat pollution liability fund created, expenditures authorized for remedial actions, third-party claims, and administrative costs: SB 5677, SSB 5677
- Oil spill administration account created, declaration of purposes for expenditures may be made from account: \*SHB 1027, CH 200 (1991)
- Oil spill response account created, uses of funds: \*SHB 1027, CH 200 (1991)

- Pacific Northwest export assistance project fund created: SB 5555, \*SSB 5555, CH 315 (1991)
- Plant pest account created within agricultural local fund: \*SHB 1956, CH 257 (1991)
- Public facilities construction loan revolving fund, economic development account created within fund, authorized uses: SB 5602, SSB 5602
- Public safety and education account, safety education officer program and commercial vehicle enforcement program to be funded from: SB 5432
- Public safety and education account, study to examine issues, including funding priorities, related to: SB 5432
- Puget Sound capital construction account in motor vehicle fund, removal of provisions relating to the Hood Canal bridge: SB 5945
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- Radioactive waste disposal host area economic development account created: SHB 2031
- Regional game fish enhancement group account created: SB 5500, SSB 5500
- Rural arterial trust account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: \*SHB 1025, CH 32 E1 (1991)
- Safe drinking water account established: \*SHB 1709, CH 304 (1991), SB 5551, SSB 5551
- Search and rescue fund established: SB 5206
- Secured benefit fund established: SHB 1569, SB 5917
- Small business export finance assistance center fund created: \*SHB 1341, CH 314 (1991)
- Small business export finance assistance center fund created, expenditures authorized: SB 5639, SSB 5639
- Specialized transportation services fund established, authorized uses: SB 5427
- State agency transportation and parking management account created: SHB 1564
- State lands management fund created: SHB 1563, SB 5470
- State trust funds, personal liability of person in control of funds for corporation upon termination of business: \*HB 1228, CH 85 (1991)
- Thoroughbred racing fund created, purposes for which funds may be expended listed: \*SHB 1120, CH 270 (1991)
- Timber communities assistance fund to provide grants for public services to timber-dependent communities: \*SHB 1341, CH 314 (1991)
- Tort claims revolving fund created, payment of tort claims from fund, conditions: HB 1561, \*SB 5473, CH 187 (1991)
- Traffic safety and enforcement account, moneys to be used to promote programs related to driver and vehicle safety: SB 5432
- Transfer relief account created in the motor vehicle fund, distributions from motor vehicle fuel and special fuel taxes to account: \*SB 5801, CH 342 (1991)

- Transportation improvement account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: \*SHB 1025, CH 32 E1 (1991)
- Treasurer-managed funds and accounts, changes to fee system: \*SHB 1058, CH 13 E1 (1991), SB 5194
- Treasurer-managed funds and accounts, treatment of earning from investment of balances: SB 5194
- Urban arterial trust account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: \*SHB 1025, CH 32 E1 (1991)
- Veteran's assistance fund, allowable tax levy rate increased: SB 5131
- Veterans' award fund, payments to Washington veterans for service in the Persian Gulf theater authorized: SSB 5843
- Veterans' compensation account, payments to Washington veterans for service in the Persian Gulf theater authorized: SB 5843
- Volunteer emergency workers' relief and pension fund: SB 5335, SSB 5335
- Washington State University building account, transfer of funds to: \*SHB 1058, CH 13 E1 (1991)
- Water management account created: \*SHB 2026, CH 347 (1991)
- Water pollution control account created, authority to make expenditures from: SSB 5355
- Water restoration account created: \*SHB 2026, CH 347 (1991), SB 5736

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- Packaging waste reduction and recycling, public education program to achieve voluntary changes in behavior regarding: SSB 5591, \*2SSB 5591, CH 319 (1991)
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- Plastic bottles and containers, labeling with appropriate resin type required coding requirements: SSB 5591, \*2SSB 5591, CH 319 (1991)
- Plastics, provisions for collection of recyclable plastics and operation of plastics recycling facility: SB 5591
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## **RENO, JANE**

- Member, Western State Hospital Advisory Board, GA 9110,  
Confirmed. . . . . 193, 1203

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- Export of timber from state trust lands, department to prepare enforcement plan under federal law permitting limits on: SB 5373
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- Speed limits, sixty-five mile per hour limit on four lane roads: SB 5398  
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**ROBERTSON, REV. LAWRENCE R.**

- Trustee, Olympic Community College District No. 3, GA 9112,  
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**RODRIGUEZ, LUCIO**

- Member, Human Rights Commission, GA 9177. . . . . 3620

**ROE, THOMAS**

- Member, Eastern State Hospital Advisory Board, GA 9113,  
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**ROLOFF, MARILEE**

- Member, Juvenile Disposition Standards Commission, GA 9114,  
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**RONEY, CYNTHIA L.**

- Trustee, State School for the Blind, GA 9031. . . . . 21

**ROPER, JAMES**

- Reappointed Member, Juvenile Disposition Standard Commission, GA  
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- Chinook, minimum length of commercial troll caught salmon: SB 5057
- Coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Commercial licenses and delivery permits transferable only to immediate family members: SB 5501
- Commercial licenses, director of fisheries to investigate the requirements for issuance and make recommendations: \*SSB 5501, CH 144 (1991)
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**SANCHEZ, FRANK R.**

Trustee, Central Washington University, GA 9032,  
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**SANDISON, MAUREEN, E.**

Reappointed Member, Pharmacy Board, GA 9148,

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Confirmed. . . . . 32, 253, 1246

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**SCHAEFER, SALLY G.**

Reappointed Trustee, Clark Community College District No. 14, GA 9033 . . . . . 26

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\* - Passed Leg.; E1 - 1st Special Session

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- Property tax exemption, change in qualifying age for: \*HB 1299, CH 213 (1991), SHB 1313, SB 5005
- Property tax exemption, increase of nonprofit homes for aging residents' maximum income limits: SB 5993
- Property tax exemption, maximum income limits increased: \*HB 1299, CH 213 (1991), SB 5270
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- Property tax, exemptions for residents of homes for the aged, revised definition of "eligible resident": \*SSB 5110, CH 203 (1991)
- Second-family residential units on existing single-family lots, variance to allow, conditions: SB 5810, SSB 5810
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## SENTENCING

- Adult criminal offenders, task force on sentencing of created, membership and duties: HB 2170
- Alternative to total confinement available for offenders with sentences to two years or less: SB 5623
- Alternatives to total confinement, act to encourage use of alternative while protecting the general public: SB 5623
- Boot camp program for adult offenders established: SB 5286
- Controlled substances, selling for profit, penalties increased: \*HB 2073, CH 32 (1991), SB 5875
- Drug offenders, mitigating factors to be considered in determining sentence: SB 5623
- Drug offenders, special sentencing alternative, eligibility for, conditions for receiving: SB 5623
- Firearms, penalties increased for crimes committed while armed: SB 5054
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- Intensive rehabilitation program, conditions for participation in: SSB 5623
- Juvenile offenders, sentencing standards: SB 5167
- Legal financial obligations, administrative process for setting and collecting monthly amount offender is to pay: SB 5363, \*SSB 5363, CH 93 (1991)
- Mentally retarded person may not be sentenced to death: SHB 1234
- Rape, second conviction for rape in the first degree or rape of a child in the first degree, death sentence to be imposed: SB 5173
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- Task force on sentencing of adult criminal offenders, creation, membership, and duties: \*SSB 5418, CH 351 (1991)
- Vehicular homicide or assault, drug and alcohol evaluation and treatment required as a condition of sentencing: \*SHB 1886, CH 348 (1991)
- Victim-offender mediation program, referral of offenders to, conditions and exceptions: SB 5623, SSB 5623, 2SSB 5623
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- Judge Anne Ellington, Reappointed Chair,  
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- Pleas Green, Member, GA 9145, Confirmed . . . . . 30, 163, 1124
- John Ladenburg, Reappointed Member, GA 9146,  
Confirmed. . . . . 30, 501, 1188
- Robert Lasnik, Member, GA 9160, Confirmed. . . . . 489, 1189
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- Motor fuel limitations by company to be imposed uniformly on stations and dealers: SHB 1924
- Motor vehicles fuels marketing, joint select committee on, creation, membership, and duties: SHB 1924

**SEWAGE**

- Land application of conventionally treated municipal sludge prohibited until July 1, 1994: SB 5846
- Sludge disposal, person liable for damages caused: SB 5751
- Sludge disposal, valid permit required, unlawful procedures: SB 5751
- Sludge task force created to study alternatives to land application or disposal of treated municipal sludge: SB 5846, SSB 5846

**SEWARD, STEVEN T.**

- Appointed Chair, Higher Education Coordinating Board,  
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\* - Passed Leg.; E1 - 1st Special Session

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- Connection without permission from sewer district prohibited, penalties: HB 1379, \*SB 5512, CH 190 (1991)
- Deposit of funds received: SB 5451
- Insurance, authority to provide to employees: \*SHB 1031, CH 82 (1991), SB 5451
- Parks or recreational facilities, authority to operate on real property owned by district: \*SHB 1031, CH 82 (1991)
- Security deposit may be required in lieu of a bond on leased real property owned by the district: \*SHB 1031, CH 82 (1991)
- Service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451
- Water conservation, achievement of goals and avoidance of wasteful practices, consideration in rate setting: \*SHB 2026, CH 347 (1991)

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- City-owned sewer systems, lien for delinquent service charges, alternative procedure authorized: \*HB 1607, CH 36 (1991)
- Financial considerations may not be used by local boards of health to coerce persons into connecting to sewer systems: SB 5136
- On-site sewage disposal systems, design and installation, board of health authority to require certification of persons other than engineers: SB 5798
- On-site sewage system permit may not be refused for failure to meet gross area requirement when surrounded by sites approved before June 30, 1984: SB 5135
- Septic system, seller to disclose existence before sale of property in sensitive area: SB 5074, SB 5145, SB 5355, SSB 5355

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- Admissibility of children's statements, provisions apply to juvenile proceedings: \*SHB 1830, CH 169 (1991)
- Child sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
- Children, admission of child's statement regarding attempted acts of sexual contact: SB 5065, SSB 5065
- Children, monitoring of conversations regarding sexual abuse authorized, procedure: SB 5905
- Children, sexual assault on, monitoring of offenders: \*SHB 1534, CH 267 (1991), SB 5361, SSB 5361
- Children, sexual assault on, program to provide additional protection to children: \*SHB 1534, CH 267 (1991), SB 5361, SSB 5361
- Communication with a minor for immoral purposes: SB 5346, SSB 5346
- Deadlines for registration of sex offender, revised provisions: \*SHB 1997, CH 274 (1991)

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 Minors, communication with a minor for immoral purposes: SB 5346, SSB 5346  
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**SHAEFFER, ROGER P.**

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**SHARP, KATHRYN A.**

Member, Eastern State Hospital Advisory Board, GA 9118,  
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**SHARPE, PHILIP E.**

Trustee, Whatcom Community College District No. 21,  
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**SHINKLE, CLINT**

Trustee, Green River Community College District No. 3,  
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\* - Passed Leg.; E1 - 1st Special Session

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American sign language course satisfies public school foreign language  
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### SILVAS, DR. JOSE R.

Member, Eastern State Hospital Advisory Board, GA 9120,  
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Arlene Miller, Reappointed Trustee, GA 9026 . . . . . 25

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**SLEMMER, ORRENE**

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William Glassford IV, Member, GA 9152, Confirmed. . . . .	32, 2835, 3488
D. G. Hendricks, Member, GA 9083, Confirmed . . . . .	2834, 3173
Robert A. Levin, Member, GA 9092, Confirmed . . . . .	2835, 3311
John B. L. Pierce, Member, GA 9107, Confirmed . . . . .	2835, 3312
James L. Walesby, Member, GA 9154, Confirmed . . . . .	32, 2836, 3489
Kris Kelly-Watkins, Member, GA 9136, Confirmed . . . . .	2835, 3429
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\* - Passed Leg.; E1 - 1st Special Session

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Reappointed Director, Department of Wildlife,

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**SNYDER, DR. MAX M.**

Reappointed Member, State Board for Community College Education,  
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- Mental health programs, authority to provide employment services as part of: \*SHB 1915, CH 29 (1991), SB 5671, SSB 5671
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- Regional disabilities employment function to provide services for developmentally disabled high school graduates established: SB 5780, SSB 5780, 2SSB 5780
- Residential treatment facilities for chemically dependent youth, departmental duties: SB 5025, SSB 5025, \*2SSB 5025, CH 364 (1991)
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- Sexual assault, provision of legal advocates to assault programs: \*SHB 1534, CH 267 (1991), SB 5361, SSB 5361
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## **SOELLING, MARK E.**

- Member, Western State Hospital Advisory Board, GA 9036,  
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- Plastic bottles and containers, labeling with appropriate resin type required, coding requirements: SSB 5591, \*2SSB 5591, CH 319 (1991)
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- Sanitary landfills, reconveyance of state forest lands leased for landfills to counties: \*HB 1267, CH 10 (1991)
- Single and multiple family residences, comprehensive solid waste management plans to include recycling provisions for: \*SSB 5478, CH 298 (1991)
- Siting of disposal facilities, county to give two weeks notice before making final siting decision in open public meeting: SB 5932
- Solid waste advisory committee, director of ecology to appoint members, criteria for making appointments to committee: SSB 5591, \*2SSB 5591, CH 319 (1991)
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#### **SOUTH, MICHAEL G.**

Member, Eastern State Hospital Advisory Board, GA 9124,  
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Norm Schut, Reappointed Trustee, GA 9034,  
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Reappointed Member, Puget Sound Water Quality Authority, GA 9125, Confirmed .....

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Fire protection, separate contract between city or town and state agency allowed: SB 5947

Flood damage, inclusion as factor in assessment of appropriate state actions: SB 5411, \*SSB 5411, CH 322 (1991)

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- Lieutenant governor, to provide protection to: \*HB 1057, CH 63 (1991), SB 5050
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**STEPHENSON, BARBARA A.**

- Trustee, Olympic Community College District No. 3, GA 9126, Confirmed. . . . . 67, 227

**STONER, LAURA**

- Reappointed Trustee, Pierce Community College District No. 11, GA 9037, Confirmed. . . . . 27, 389, 659

**STONER, VERNON E.**

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- Children's education and well-being, report of task force on collection and reporting of data on: \*SB 5474, CH 235 (1991)
- Computer software, property tax exemptions and valuation rules to be studied by department of revenue: \*HB 1376, CH 29 E1 (1991)
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- Recycled materials, use for highways, roads, bicycle routes, trails, and paths, department of transportation to conduct study on: SB 5143, SSB 5143, \*2SSB 5143, CH 297 (1991)
- Recycling, study of state laws giving preference to the use of virgin materials over recycled materials: SB 5591
- Rental vehicles, legislative transportation committee to conduct study to analyze tax imposed on car rental vehicles: \*SSB 5611, CH 244 (1991)
- Salaries and duties of elected officials, state committee on salaries to study and make recommendations: SB 6001
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- School buses, video camera use to reduce discipline problems, pilot program, report by superintendent of public instruction: SB 5114, \*SSB 5114, CH 166 (1991)
- School employees, health care authority to study health care coverage for retired and disabled public school employees: \*SSB 5873, CH 254 (1991)
- School employees, study of cost-of-living differences to be used as basis for allocation for future salary fiscal policy: SB 5981
- Sentencing of adult criminal offenders, task force on created, membership and duties: HB 2170
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- Sewage sludge, sewage sludge task force to report findings and recommendations: SB 5143, SSB 5143

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- Special education buses, review of use of aides on: SB 5114
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- Teacher career ladder system, task force to develop: SB 5095
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- Vehicle licensing agents and subagents, director of licensing to review costs, revenues, and benefits of: \*SHB 1704, CH 339 (1991)
- Water resource related projects, state finance committee to report on capital needs and alternative funding methods: SB 5339
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- Wildlife department affirmative action program, human rights commission to study: SB 5130
- Wildlife department funding, task force to analyze funding base and recommend how it can be expanded, membership and duties: SHB 1250
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**SUNSET REVIEW**

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- Health professional credentialing, revised requirements for recognition and regulation of health professions: \*SHB 1960, CH 332 (1991)
- Legislative budget committee responsibilities revisions: HB 1327
- Small business export finance assistance center continued in existence: SB 5277

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- Alternative dispute resolution, use by court: SB 5163
- Antiharassment petitions, concurrent jurisdiction of superior and district courts: \*SHB 1824, CH 33 (1991)
- Appointment of judges with retention vote thereafter: SJR 8218
- Collective bargaining for court employees, definitions revised to include: HB 1286, SB 5105
- Court commissioners, appointment and duties, revised provisions: \*SHB 1782, CH 300 (1991)
- Family court and family court services expanded, revised provisions: SHB 2155
- Family court may appoint guardian to represent interests of minor or dependent child in proceedings: SHB 2155
- Fee schedule modified: SHB 1378
- Indigent persons, civil representation by qualified legal aid programs funding, waiver of filing fees: SHB 1378
- Judges, additional positions added in King, Grays Harbor, Snohomish, and Mason counties: \*SHB 1127, CH 299 (1991), SB 5285, SB 5338, SSB 5338
- Judges, additional positions added in Skagit and Snohomish counties: SSB 5338
- Judges, additional positions authorized in King, Grays Harbor, Skagit, Snohomish, and Mason counties: \*SHB 1127, CH 299 (1991)
- Jurisdiction, authorizing legislature to determine scope of jurisdiction in equity cases: SHJR 4221
- Legislature to determine number of judges and the powers, duties, and jurisdiction of those judges: SJR 8221
- Partial summary judgment allowed in civil actions for damages: SHB 1638
- Salary of judges to be prescribed by legislature in biennial budget: SB 6001
- Shoreline aquaculture appeals to be heard in superior court: SB 5011

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- Appointment of justices with retention vote thereafter: SJR 8218
- Salary of justices to be prescribed by legislature in biennial budget: SB 6001

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Auction sales by nonprofit organizations, exemption from tax: \*SHB 2187, CH 51 (1991)

Audio tapes, records, and compact disks, manufacture and sale, tax to fund deaf centers and deaf programs: SHB 1523

Child care facilities, tax credit for employer-sponsored facilities: SB 5915

Convention, tourism, and economic development promotions, exemption for payments and contribution to nonprofit corporations by public entities: SB 5661

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Hospitals eligibility for deduction, charity care percentage requirement: SB 5794

Hospitals, exemption from tax for nonprofit hospital conditioned on providing specified amount of charity care: SB 5574

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- Intangibles tax, deposit of revenues in bond debt service retirement account, authorized uses for reserved funds in account: SB 5952
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- Lost fishing net recovery tax, imposed on manufacturers and wholesalers of commercial net products: SHB 1012
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- Nonprofit organizations, exemption of auction conducted by nonprofit organizations from tax: \*SHB 2187, CH 51 (1991)
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- Retail sales, disclosure of amount of tax, required statements: \*SHB 2137, CH 80 (1991)
- Tax imposed on retail sales of carbonated beverages or syrup: \*SHB 2137, CH 80 (1991)
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Enhanced food fish tax imposed on mussels and clams: SB 5016, SSB 5016

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Forest-related product, excise tax on wholesale value of finished item, exemptions: SB 5616

Grower-raised shellfish exemption: SB 5447

Hospitals, tax imposed at rate of twenty percent of state medicaid receipts to fund medicaid: \*HB 2237, CH 9 E1 (1991)

Hotel and motel new construction, excise tax exemption: SB 5549

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Leasehold tax, Hanford reservation, determination of rent on lands subleased from department of ecology: \*SSB 5756, CH 272 (1991)

Leasehold tax, exemption for interests held by lessee who would qualify for senior citizen property tax exemption: SB 5699

Leasehold tax, exemption of residential property from tax: SB 5021

Motor vehicle and special fuel, border cities may impose local tax for city street maintenance and construction: \*SHB 1342, CH 173 (1991)

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Motor vehicle tax, vehicle emission and fuel economy based taxes: \*SHB 1028, CH 199 (1991), SB 5326

Motor vehicle, high capacity transportation taxing authority, revised population criteria: \*SHB 1677, CH 309 (1991)

Motor vehicle, special municipal tax for mass transit purposes, determination of value of vehicle, revised provisions: \*SHB 1704, CH 339 (1991)

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Motor vehicles, additional clean air and water excise tax imposed: \*SHB 1028, CH 199 (1991)

Motor vehicles, additional sales tax imposed on rental vehicles equal to excise tax that would have been collected if applicable to fleet vehicles: SB 5611

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Motor vehicles, legislative transportation committee to conduct study to analyze tax imposed on car rental vehicles: \*SSB 5611, CH 244 (1991)

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Real estate, conservation area acquisition, tax eliminated for: SB 5436

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Raffles, nonprofit and charitable organizations, tax exemption for income from raffles not exceeding ten thousand dollars per year: \*SHB 1931, CH 161 (1991)

Social card games, tax rate not to exceed ten percent of gross revenue: SB 5638

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Tax returns and tax information, confidentiality, exceptions: \*SHB 1357, CH 330 (1991)

Taxpayer rights advocate, appointment of: \*SHB 1401, CH 142 (1991)

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- Pension income, taxation only by state of residency, congress urged to support: HJM 4018
- Prohibition of imposition of an income tax, constitutional amendment: SJR 8223
- Retirement and pension benefits, exemption of property from execution of out-of-state judgment for failure to pay that state's tax on: \*SHB 1105, CH 123 (1991), SB 5000, SB 5001, SB 5024, SB 5309, SSB 5309
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- Festivals, city or county may use proceeds for the promotion of community-oriented festivals: SB 5930
- Pacific Ocean, counties and cities bordering on, authority to levy tax to fund public facilities: SB 5301, \*SSB 5301, CH 331 (1991)
- Stadium, convention, and arts centers, lodging tax distributed to counties pledging revenues for: \*HB 2093, CH 336 (1991)
- Tourist-related activities, certain cities in first class counties authorized to impose tax to fund: HB 2180

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- Imposed on manufacturers and wholesalers of commercial net products: SHB 1012
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Computer software, exclusion of custom and golden software from definition of personal property: \*HB 1376, CH 29 E1 (1991)

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Computer software, tax exemptions and valuation rules to be studied by department of revenue: \*HB 1376, CH 29 E1 (1991)

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- Remote hydroelectric generating facilities, additional tax imposed on facilities owned by cities and towns in certain counties: SB 5832

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- Administration of the property tax system, department of revenue to study and report on: \*SHB 1301, CH 218 (1991)
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- Assessed valuation, increase limited to six percent per year for owner-occupied residences: SJR 8219
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- Assessment of all property to be at one hundred percent of true and fair value unless county legislative authority sets a lower rate: SB 5818, SSB 5818
- Assessment of new construction or remodelled owner-occupied homes: SB 5368
- Assessments to be at lesser of true value or most recent assessment plus six percent annually: SB 5368
- Assessments, large increases in property assessments may be phased-in over time: SJR 8214
- Averaging of large property valuation increases, revised assessment procedures: SB 5849, SSB 5849
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- Exemption for residents of homes for the aged, revised definition of "eligible resident": \*SSB 5110, CH 203 (1991)
- Exemptions, low-income persons, qualifications for: SB 5168
- Exemptions, senior citizen and disabled persons who do not meet qualifying disposable income amount qualification: SB 5085
- Exemptions, senior citizen exemption, change in qualifying age for: \*HB 1299, CH 213 (1991), SHB 1313, SB 5005
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- Federal impact aid to local governments near federal military installations, congress requested to increase: SJM 8017
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- Homes for aging, partial exemptions for 1992 and 1993: \*HB 2242, CH 24 E1 (1991)
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- Library improvement tax levies authorized by voter approval allowed: \*SB 5988, CH 17 E1 (1991)
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- Loss of revenue to local governments from tax relief to be reimbursed from state general fund: SB 5368
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- Low-income homeowners, state assistance eligibility: HB 1297, SB 5272
- Low-income homeowners, tax exemption provisions: HB 1298, SB 5271
- Low-income housing and single family residences, current use valuation authorized for: SJR 8220
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- Low-income housing, tax exemption: SB 5061
- Low-income persons, exemption, qualifications for: SB 5168
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- Military personnel serving in Persian Gulf, interest and penalties prohibited on delinquent 1991 taxes on personal residences: SB 5928, \*SSB 5928, CH 52 (1991)
- Notice of tax to be sent to person making payments for security interest holder: SB 5791
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- Real property, assessed value of residential property limited to increase of five percent per year: SJR 8204
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- Revaluation of property, physical inspection and interim adjustments, requirements: SB 5250
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- School excess levy limits raised, revised provisions: SHB 1932
- Schools, exemption from excess levy limits for specified nonbasic education program activities: SB 5896
- Schools, special five percent levy authorized for purposes of funding grants under the bringing education home act: SB 5919, SSB 5919, 2SSB 5919
- Schools, state-wide average ten percent levy rate raised to twenty percent: SB 5896

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- Senior citizen tax exemption, income limits increased: \*HB 1299, CH 213 (1991), SB 5270
- Senior citizens and disabled persons, limits on increases in aggregate taxes imposed on residence: SB 5085
- Senior citizens tax deferral increased: \*HB 1299, CH 213 (1991), SB 5270
- Senior citizens tax exemption, maximum income limits increased: \*HB 1299, CH 213 (1991), SB 5270
- Single family residences and low-income housing, current use valuation authorized for: SJR 8220
- Transportation benefit district, authority to impose additional tax levy: \*SHB 1050, CH 138 (1991), SB 5018
- Valuation of large property tax increase averaged over four years: SB 5274
- Valuation of property administrative practices, department of revenue to study: \*SHB 1301, CH 218 (1991), SB 5273
- Valuation of real property to be at seventy percent of true and fair value: SB 5914
- Valuation of real property, qualifications of persons valuing real property for purposes of taxation, requirements: \*SHB 1031, CH 82 (1991)
- Valuation of residential property based on current use: SB 5248
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- Valuation, increase in property values limited to five percent per year: SB 5169
- Veteran's assistance fund, allowable levy rate increased: SB 5131

#### **TAXES - PUBLIC UTILITY TAX**

- Water systems, annual tax of two dollars for each connection to a public system: \*SHB 2026, CH 347 (1991)

#### **TAXES - SALES TAX**

- "Newspaper" defined for purpose of tax exemption on distribution and newsstand sales of: SB 5596
- Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845
- Auction sales by nonprofit organizations, exemption from tax: \*SHB 2187, CH 51 (1991)
- Citizens' review of local government, alteration in rate and distribution as a consequence of: HB 1017
- Credit allowed for persons collecting and reporting sales tax: SB 5242
- Diabetic supplies and equipment, exemption for prescribed items: SB 5161
- Domestic violence community advocates, funding authorized from local tax revenues: \*SHB 1884, CH 301 (1991)

- Exemptions, nonprofit organizations serving meals for fundraising purposes: SB 5929, SSB 5929
- Exemptions, personal property rented or leased to make another retail sale: SB 5390
- Free hospitals, exemption on necessary items: SB 5524
- Governor may withhold revenues from county or city not in compliance with growth management planning requirements: \*SHB 1025, CH 32 E1 (1991)
- Irrigation equipment, tax deferral for purchase and installation of water conserving equipment: \*SHB 2026, CH 347 (1991)
- Local government service agreements, alteration in rate and distribution as a consequence of: SHB 1015
- Mobile homes, sales tax to fund mobile home affairs account: \*SHB 1440, CH 327 (1991)
- Natural resources stewardship account, tax on retail sales to be deposited in: SB 5972
- Nonprofit organizations, exemption of sales at auctions conducted by nonprofit organizations from tax: \*SHB 2187, CH 51 (1991)
- Oxygen systems medically prescribed exempt from sales tax: \*SHB 1317, CH 250 (1991)
- Personal property used in making another retail sale, rent or lease of property exempted from sales tax: SB 5773
- Personal property, rental or lease of to make another retail sale, exemption from tax: SB 5390
- Public facilities districts, authority to impose, procedure to obtain voter authorization: \*HB 2057, CH 207 (1991), SB 5731
- Rate increased to six and six-tenths percent of selling price: SB 5950
- Recycling exemption for initial acquisition of recycling facility: SB 5591
- Rental vehicles, additional tax imposed: SB 5611
- Rental vehicles, additional tax imposed equal to the motor vehicle excise tax that would have been collected if applicable to fleet vehicles: SB 5611
- Syringes exempted from retail sales tax: SB 5652.

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- Border cities may impose for street maintenance and construction: \*SHB 1342, CH 173 (1991)

#### **TAXES - USE TAX**

- Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845

- Citizens' review of local government, alteration in rate and distribution as a consequence of: HB 1017
- Credit allowed for persons collecting and reporting use tax: SB 5242
- Diabetic supplies and equipment, exemption for prescribed items: SB 5161
- Domestic violence community advocates, funding authorized from local tax revenues: \*SHB 1884, CH 301 (1991)
- Effluent water, exemption from tax for use of treated or processed effluent water purchased for commercial use: \*SHB 2026, CH 347 (1991)
- Exemptions, nonprofit organizations serving meals for fundraising purposes: SSB 5929
- Exemptions, personal property rented or leased to make another retail sale: SB 5390
- Free hospitals, exemption on necessary items: SB 5524
- Governor may withhold revenues from county or city not in compliance with growth management planning requirements: \*SHB 1025, CH 32 E1 (1991)
- Local government service agreements, alteration in rate and distribution as a consequence of: SHB 1015
- Personal property used in making another retail sale, rent or lease of property exempted from use tax: SB 5773
- Personal property, rental or lease of to make another retail sale, exemption from tax: SB 5390
- Public facilities districts, authority to impose, procedure to obtain voter approval: \*HB 2057, CH 207 (1991), SB 5731
- Recycling exemption for initial acquisition of recycling facility: SB 5591
- Syringes exempted from use tax: SB 5652

**TAYLOR, JAMES L.**

Member, Western State Hospital Advisory Board GA 9129,  
 Confirmed. . . . . 194, 1234

**TEACHERS**

- Basic education funding formula, revised provisions to increase funding and add additional certificated staff: SB 5888
- Braille competency requirements for teachers of blind students: SB 5284
- Braille competency, teachers of blind students to work towards developing competency in braille: SSB 5284
- Career ladder system, task force to develop: SB 5095
- Certificated employees, nonrenewal of contracts, probationary periods for new and experienced personnel, revised provisions: SB 5919, SSB 5919, 2SSB 5919
- Certification examinations revised requirements: SB 5851, SB 5919, SSB 5919, 2SSB 5919
- Certification to include diversity education throughout curricula: SHB 1365
- Certification, alternative method for persons with baccalaureate degree and extensive, relevant work experience: SB 5640, SSB 5919, 2SSB 5919

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- Citizenship requirements removed: \*HB 1263, CH 115 (1991)
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- Educational resources and research, state library commission to assist teachers to acquire in timely manner: SSB 5234, 2SSB 5234
- Educational staff associate certification, continuing education requirements: \*SHB 1196, CH 156 (1991)
- Educational staff certification, continuing education credit for out-of-state courses authorized, conditions: \*HB 1139, CH 155 (1991)
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- Housing assistance programs for teachers, establishment encouraged: SCR 8402
- Improvement of teaching centers, recruitment and training programs, educational service districts to establish: \*SHB 1813, CH 285 (1991), SB 5698, SSB 5698
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- Master's degree requirement eliminated: SB 5375
- Minority teacher recruitment program, tuition assistance to classified classroom assistants: \*SHB 1813, CH 285 (1991), SB 5698
- Operation Desert Shield service, death benefits allowed for members' beneficiaries: SHB 1269, SB 5224
- Performance-based compensation for teachers: SB 5851, SB 5919, SSB 5919, 2SSB 5919
- Professional practices unit to investigate complaints of unprofessional conduct by certificated staff: SSB 5543
- Provisional employment period changed to three years: SB 5861
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- Retirement system, computation of service credit for full- and part-time teachers: \*SHB 1268, CH 343 (1991), SB 5223
- Retirement system, cost-of-living increases, calculation of target benefit modified: SB 5352
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- Retirement system, transfer of out-of-state retirement credits, conditions: SB 5359, \*SSB 5359, CH 278 (1991)
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- Teachers for the twenty-first century program created: SB 5254, SSB 5254
- Teachers recruiting future teachers program created: \*SHB 1885, CH 252 (1991)
- Teachers recruiting teachers program created: \*SHB 1885, CH 252 (1991)
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- 911 or enhanced 911 systems, exemption from invasion of privacy laws when acting to aid public health or safety agencies: \*SHB 1938, CH 54 (1991)
- Caller identification technology, use authorized, conditions to protect privacy: SB 5336
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- Emergency communications systems or services, immunity from civil liability for errors or omissions under specified circumstances: \*SHB 1938, CH 54 (1991)
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- Cable television systems, tenant's right of access in multi-unit housing assured, procedures relating to installation and compensation of landlord: SB 5870
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- Trustee, The Evergreen State College, GA 9039,  
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- Christina Meserve, Trustee, GA 9024, Confirmed. . . . . 28, 489, 620
- John Terrey, Trustee, GA 9039, Confirmed . . . . . 29, 489, 660
- Carol Vipperman, Trustee, GA 9134, Confirmed . . . . . 489, 805

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- Reappointed Trustee, Whatcom Community College  
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- Appointed Energy and Utilities, Chair; Law and Justice, Vice Chair;  
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- Dislocated workers, retraining, support services, job search assistance required: SB 5555, \*SSB 5555, CH 315 (1991)
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- Forest practice permits, fees imposed on applicants for, to assist with review and permitting costs related to environmental protection: SB 5604
- Forest products development center, public/private manufacturing partnership model, established: SB 5555
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- Lumber and wood products workers, extended unemployment compensation benefits for, conditions: SHB 1599
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- Mortgage assistance program, emergency assistance for dislocated timber workers, eligibility requirements: \*SSB 5555, CH 315 (1991)
- Natural resource worker project established for dislocated timber workers: SHB 1314, \*SSB 5555, CH 315 (1991)
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- Training pilot project for dislocated timber industry workers in Skagit county: SHB 1315, SB 5673
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- Transportation demand management program planning and implementation requirements: \*2SHB 1671, CH 202 (1991)
- Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564

### **TRAFFIC OFFENSES**

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- Air quality, transportation plans and programs to conform to state implementation plan for: \*2SHB 1671, CH 202 (1991)
- Audit of community resources required prior to conversion of transportation corridor to major transportation system: SB 5890
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- Commute trip reduction task force, membership and duties: \*2SHB 1671, CH 202 (1991)
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- First class cities, additional transportation authority: \*SHB 1771, CH 124 (1991)
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- High capacity transportation projects, expert review panels, cooperative selection of members when project adjoins Canada or another state: \*SHB 1677, CH 309 (1991)
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- High capacity transportation taxing authority, revised population criteria: \*SHB 1677, CH 309 (1991)
- High capacity transportation, capital cost per mile to be considered in deciding upon a plan and implementation program: SB 5918
- High occupancy vehicle lanes, at least two occupants required in private vehicle using lane: SB 5562

- High occupancy vehicle programs, impounding of funds when transportation priorities and goals are not being met: SB 5889
- High occupancy vehicle programs, limitation on funds that may be used for transit agency programs removed: SB 5889
- High-speed ground transportation office created in department, duties: \*SHB 1452, CH 231 (1991)
- High-speed ground transportation system steering committee: \*SHB 1452, CH 231 (1991)
- Highway access management program coordinating local land use planning with development of state highway system: \*2SHB 1671, CH 202 (1991)
- Intrastate rapid rail transportation system, state to construct and develop: SB 5890
- Land use decisions to consider the availability of transportation, community disruption, and other factors: SB 5901
- Legislative transportation committee, revised membership and organization of committee: SB 5209
- Local arterials, access management policies, guidelines required: \*2SHB 1671, CH 202 (1991)
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- Public transportation benefit areas, annexation of territory to, revised provisions: \*SHB 2151, CH 318 (1991)
- Public transportation systems, mediation and arbitration provisions when collective bargaining agreement cannot be negotiated within time limits: SB 5594
- Regional transportation planning organizations, optional duties: SB 5941
- Right of way acquisition, advance acquisition, revised management and funding provisions: \*HB 1992, CH 291 (1991)
- Six-year program and financial plans, revised requirements: \*SHB 2140, CH 358 (1991)
- State agencies and facilities, development and implementation of comprehensive transportation and parking program: SHB 1564, SB 5471
- State agencies and facilities, parking and transportation management advisory committee, duties: SHB 1564
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- High-speed ground transportation system office created: \*SHB 1452, CH 231 (1991)
- Highways and other public facilities, tort liability of state and local governments limited for damages relating to planning, construction, or signing of: SB 5721, SSB 5721
- Interstate highways, length restrictions inapplicable to "specialized equipment" for access to terminals and facilities: \*HB 1991, CH 143 (1991)
- Intrastate rapid rail transportation a public highway, department administration: SB 5546
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- State highway system, access permit required, department duties: \*2SHB 1671, CH 202 (1991)
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- Reappointed Member, Indeterminate Sentence Review Board,  
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- Converter gears and tow dollies, exemption from licensing requirements: \*HB 1995, CH 163 (1991), SB 5815

- Identifying name and number, display requirements, vehicles of more than twenty-six thousand pounds gross weight: SB 5295, \*SSB 5295, CH 241 (1991)
- Interstate highways, length restriction inapplicable to "specialized equipment" for access to terminals and facilities: \*HB 1991, CH 143 (1991)
- Lane use requirements, trucks over twenty-six thousand pounds: SB 5237, SSB 5237
- Length restrictions inapplicable to "specialized equipment" access to terminals and facilities on interstate highways: \*HB 1991, CH 143 (1991)
- Proportional registration, nonpower vehicles, state may not retain more than its pro rata percentage for in-state miles traveled: SB 5769
- Proportional registration, revised provisions: \*SHB 1704, CH 339 (1991)
- Recovered materials, commercial transport of, utilities and transportation commission permit required: HB 1519, \*SB 5367, CH 148 (1991)
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- RCW 11.92.095 repealed: SB 6008

**TULL, ROBERT M.**

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\* - Passed Leg.; E1 - 1st Special Session

- Fire code, provisions of the uniform code not directly in conflict with rules regulating tanks remain in force: \*SHB 1454, CH 83 (1991), SB 5263, SSB 5263, SB 5480
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- Removal or closure of tank, department of ecology statement that action conforms to departmental rules: SSB 5055
- Tanks conforming to state and local laws as of their installation not required to meet later requirements: SB 5263, SSB 5263, SB 5480
- Underground storage tank community assistance program committee established, membership and duties: SB 5806, \*SSB 5806, CH 4 (1991)

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- Benefit year, revised conditions for establishing new benefit year: \*HB 1339, CH 117 (1991)
- Benefits, eligibility of worker who voluntarily leaves employment to relocate with spouse: SB 5255
- Contribution, contractor avoidance of, study by the legislative budget committee: \*HB 1244, CH 34 (1991)
- Contributions, contractor avoidance of, study by employment security and labor and industries departments: \*HB 1244, CH 34 (1991)
- Educational service district service providers, benefit exclusions: HB 1875
- Employer contributions, back pay award reductions based upon benefits received by recipient of award: \*HB 1339, CH 117 (1991)
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- Employer relief for benefit charges, procedures and deadline for requesting relief: \*SHB 2069, CH 129 (1991)
- Exclusions from coverage, revised provisions relating to conditions permitting exclusion: SB 5837, \*SSB 5837, CH 246 (1991)
- Forest products workers, training and extended benefits program established for unemployed workers: SB 5208
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- Timber workers, extended benefits authorized for dislocated timber workers: \*SSB 5555, CH 315 (1991)
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- Workers' compensation, individual disqualified from unemployment compensation when receiving or due to receive workers' compensation: \*HB 1339, CH 117 (1991)

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- Dishonored checks, notice of dishonor to contain caution that law enforcement agencies may be provided copy of notice: \*SSB 5494, CH 168 (1991)
- Farm products, security interest in, farm products statement filing required: SHB 2086
- Funds transfers, adoption of article regarding: \*HB 1095, CH 21 E1 (1991)
- Prescriptions, dispensing of prescription product is service not creating any implied warranty under code: SHB 1556, SB 5466, \*SSB 5466, CH 189 (1991)
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- Scope of practice redefined for purposes of: \*SHB 1960, CH 332 (1991), SB 5012

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\* - Passed Leg.; E1 - 1st Special Session

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- Energy conservation projects, duty of state energy office to consult and offer participation to local utilities: \*SSB 5245, CH 201 (1991)
- Heat and electrical service assistance programs for low-income persons continued: \*HB 2059, CH 165 (1991)
- Home heating assistance for low-income persons, reporting duties, extension to June 30, 1995: SB 5904
- Municipal utilities authorized to reimburse city for management services: \*HB 1040, CH 152 (1991)
- Municipal water and sewer utilities, restrictions on taxes imposed for the privilege of operating: SB 5298, SB 5595
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- Commercial ferry operators, revised regulatory provisions: SSB 5647
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- Complaints against commission regulated water companies, revised provisions: HB 1325, SB 5260, \*SSB 5260, CH 100 (1991)
- Drinking water quality, investigation of consumer complaints, duties: SB 5045, \*SSB 5045, CH 134 (1991)
- Emergency adjudications, authority to designate persons to preside and enter final orders in: HB 1494, \*SB 5391, CH 48 (1991)
- Energy conservation tariff, electrical and gas companies to file: SHB 1335
- Horses, exemption from regulation for farmer transporting horses to his property for rehabilitation: SB 5892
- Local exchange companies providing enhanced telecommunications services, regulatory provisions, formation of subsidiaries requirement: SB 5732
- Low-income residence weatherization programs required to include all energy efficiency measures in public interest: SHB 1335
- Low-level radioactive waste sites, disposal rate setting by commission: SHB 2031, SB 5756, \*SSB 5756, CH 272 (1991)
- Motor carriers to submit copies of contracts with permit applications: HB 1273, \*SB 5221, CH 41 (1991)
- Natural gas, motor vehicle refueling stations development policies: \*SHB 1028, CH 199 (1991)
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- Steamboat operators, regulation revisions: SB 5647
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- Water companies, commission jurisdiction over rates, charges, and practices: \*HB 1581, CH 101 (1991)
- Water companies, conservation to be considered as factor in rate setting: \*SHB 2026, CH 347 (1991)
- Water companies, reserve account for safety improvements authorized: SB 5762, \*SSB 5762, CH 150 (1991)
- Water rates, joint select committee to study procedures for setting rates: SCR 8411
- Water systems, burden of proof on system to demonstrate that it is exempt from commission regulation: \*HB 1581, CH 101 (1991), SB 5503, SSB 5503

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- Assistance fund, allowable tax levy rate increased: SB 5131
- Counseling services for Persian Gulf veterans and families: \*SHB 2095, CH 55 (1991), SB 5865
- Definition as "veteran" for purposes of receiving benefits, revised criteria: \*SB 5477, CH 240 (1991)
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- Merchant marine service included in definition of veteran: \*SB 5477, CH 240 (1991)
- Middle east veterans affairs office, advisory council, created: SB 5696
- Persian Gulf theater, voluntary compensation for service of Washington residents in the Persian Gulf authorized, alternatives and conditions: SB 5843, SSB 5843
- Persian Gulf veterans authorized to attend any state institution of higher education at 1990 tuition rates: \*SB 5475, CH 228 (1991)
- Persian Gulf, tuition and fees frozen at 1990 rates for: HB 1674
- Public employees' retirement system, "veteran" redefined for purposes of military service credit: SB 5414, SB 5494
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- Purple heart recipient recognition day established: \*SB 5718, CH 20 E1 (1991)
- Skilled nursing care center in eastern Washington, planning and construction: SB 5035
- Submarine veterans of World War II, representation on the veterans' affairs advisory committee: SB 5243
- Veterans and military personnel affairs, joint select committee on created: HCR 4416
- Vietnam veterans, additional counseling services for post traumatic stress disorder, especially that related to war in Middle East: \*SHB 2095, CH 55 (1991)
- Vietnam veterans, payment for service in Vietnam combat zone, conditions, exceptions and alternatives: SB 5429
- War-related stress disorders, educational, informational, and referral services to be provided by department of veterans affairs: \*SHB 2095, CH 55 (1991)
- Women's Air Forces Service Pilots, members included in definition of "veteran" for purposes of receiving benefits: \*SB 5477, CH 240 (1991)

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- Counseling services for Persian Gulf veterans and families, duties: \*SHB 2095, CH 55 (1991), SB 5865
- Middle East veterans affairs office, advisory council, created: SB 5696
- Skilled nursing care center in eastern Washington, planning and construction duties: SB 5035
- Vietnam veterans, additional counseling services for post traumatic stress disorder, especially that related to war in Middle East: \*SHB 2095, CH 55 (1991)
- War-related stress disorders, educational, informational, and referral services to be provided by department: \*SHB 2095, CH 55 (1991)

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\* - Passed Leg.; E1 - 1st Special Session

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Trustee, The Evergreen State College, GA 9134,  
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- Vocational-technical institutes, transfer of functions to college district: SHB 1039, SB 5184, \*SSB 5184, CH 238 (1991)
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- Work force training and education coordinating board created, powers and duties: SHB 1039, SB 5184, \*SSB 5184, CH 238 (1991)

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- Emergency services volunteers, state colleges and universities to grant paid leave to employees in training or on call as: SB 5417
- Immunity from civil liability, conditions and limitations: SB 6002
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- Address verification, revised procedures for verifying registrant's address: HB 1554, SB 5433
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- Voter qualifications, revision of provisions relating to who is eligible and ineligible to vote: SJR 8222
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Overtime, enforcement of wage and hour standards: SHB 1471, SB 5404

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Appointed Chair, Energy Facilities Site Evaluation Council,  
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### **WALESBY, JAMES L.**

Member, Small Business Export Financial Assistance Center  
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Christine C. Wilson, Reappointed Trustee, GA 9046,  
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- Management, areas without significant water resource problems designation: SB 5765, SSB 5765
- Permits established by department of ecology, fee increases limited to six percent per year: SB 5040
- Property damage from increase in flow of natural watercourse, liability for damages of person responsible: SSB 5145
- Public water systems, annual operating permit requirements: \*SHB 1709, CH 304 (1991), SB 5551, SSB 5551
- Public water systems, operator certification and registration requirements: \*SHB 1710, CH 305 (1991), SB 5552, SSB 5552
- Rates, joint select committee to study procedures for setting water rates: SCR 8411
- Resources management, comprehensive water resources management policy to further conservation and efficiency in use of water: \*SHB 2026, CH 347 (1991), SB 5736
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- Nonmunicipal systems, audits by utilities and transportation commission, revised provisions: HB 1325, SB 5260, \*SSB 5260, CH 100 (1991)
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- Safety improvements required by department of ecology, reserve account for authorized: SB 5762, \*SSB 5762, CH 150 (1991)
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\* - Passed Leg.; E1 - 1st Special Session

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